

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF NOVEMBER 21, 2003

(Published November 29, 2003, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
November 21, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, President Ostrow.

Absent - Johnson.

Lilligren moved acceptance of the minutes of the regular meeting held 11/7/03. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269193)

Community Planning and Economic Development (CPED) Housing Program: Report regarding alignment of CPED housing programs and NRP housing programs.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269194)

Community Planning & Economic Development (CPED) Policies and Procedures: Approve revised program guidelines, development process administrative procedures and direct staff to return with a consolidated set of guidelines for real property acquisition and disposition.

Heritage Park Project: Authorize the Finance Officer to sign documents required to release special assessment lien on project.

GRANTS AND SPECIAL PROJECTS (269195)

HOME Investment Partnerships Program: Authorize application to US Department of Housing and Urban Development for reallocation funds to provide permanent housing for the chronically homeless.

2003 Metropolitan Livable Communities Act Livable Communities Demonstration Account Grant: Accept funds for Karamu East project and execute grant agreement and contract with Northside Residents Redevelopment Council to administer funds.

MAYOR (269196)

Appointment of Director of Community Planning and Economic Development: Recommendation to appoint Lee Sheehy.

**COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS & W&M/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269197)

State Bioscience Zone Designation: Authorize agreement with University of MN re Development of Technology Research & Development Facilities and MN Bioscience Program Subzone Designation.

Southeast Mpls Industrial Redevelopment Area: Authorization to seek legislation allowing tax increment "pooling" & parcel qualification requirements in SEMI.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET :**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269198)

Minneapolis Community Development Agency Assets and Liabilities: Report regarding transfer of assets and liabilities to the Community Planning and Economic Development Department.

Lake Street Center TIF Plan: Notification of administrative technical correction to plan to amend property identification numbers and the map.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269199)

Village in Phillips: Adopt Village in Phillips Redevelopment Plan, Phase 1 Tax Increment Finance Plan and Modification #19 to the Model City Urban Renewal Plan.

The New French Bakery (2600 26th Av S): Grant preliminary approval to issue up to \$6,000,000 in Tax-exempt Limited Tax Supported Development Revenue Bonds through the Common Bond Fund, to be used for acquisition and remodeling of a new facility.

Lake Street Center: Authorize preparation of documents to repay outstanding loans to Marquette Bank and Powderhorn Park Neighborhood Association.

**HEALTH AND HUMAN SERVICES:**

CIVIL RIGHTS (269200)

Community Summit III for People of Asian Pacific Islander Descent: Report on Summit held October 23, 2003.

**HEALTH AND HUMAN SERVICES (See Rep):**

CIVILIAN POLICE REVIEW AUTHORITY (269201)

Administrative Rules: Approve rules, as amended.

CIVILIAN POLICE REVIEW AUTHORITY (269202)

Civilian Police Review Authority Board: Approve appointments, with attachment from Selection Subcommittee.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269203)

Program to Serve Minneapolis Youth with Disabilities: Execute contract with Minnesota Department of Employment and Economic Development (DEED) to provide services to improve transition outcomes for young adults with disabilities during period October 1, 2003 to September 30, 2008.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (269204)

Phillips Weed & Seed Partnership: Authorize transfer \$23,738.31 from Health & Family Support to Police Department for reimbursement of law enforcement activities implemented within Phillips Zone from August 10th through October 6, 2003.

**INTERGOVERNMENTAL RELATIONS:**

PARK BOARD (269205)

2004 State Capital Appropriations Request.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

FINANCE DEPARTMENT (269206)

Mpls City Charter: Amendments to City Charter relating to contracting procedures, removing Mayor & City Clerk signatures, allowing designation of Finance Officer signature & establishing administrative procedures for management of City contracts.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

LICENSES AND CONSUMER SERVICES (269207)

House of Lalibela Ethiopian Restaurant (3300 E Lake St): Amend Council Action passed June 21, 2002 to change hours of operation on Friday and Saturday nights to be "5:00 p.m. to 2:00 a.m."

Licenses: Applications.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (269208)

Metropolitan Medical Response System: Execute Firm Fixed Price Contract with United States Department of Health and Human Services to allow Fire Department to receive \$560,000 for sustainment of system; and Approve appropriation.

Thermal Imaging Camera: Accept donation of \$50 from Children's Health Care to put towards purchase of thermal imaging camera for Fire Department; and Approve appropriation.

Fire Department Accreditation Process: Execute agreement with Deloitte & Touche LLP for under \$50,000 and substitute a non-standard City agreement form with an agreement from Deloitte & Touche to assist Fire Department with completion of Accreditation Process.

2003 Homeland Security Equipment/Exercise Grant: Accept grant award of \$800,000 and execute grant agreement with United States Department of Homeland Security, Office for Domestic Preparedness, for purchase of specialized response equipment and exercise related costs to provide heavy collapse rescue response to Weapons of Mass Destruction incidents; and Approve appropriation.

INSPECTIONS DEPARTMENT (269209)

Rental Licensing: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, increasing the administrative fee from \$50 to \$250 for the first dwelling unit for operation of an unlicensed dwelling unit.

POLICE DEPARTMENT (269210)

National Incident-Based Reporting System Program Grant: Execute amendment to grant agreement with Minnesota Bureau of Criminal Apprehension to extend performance period to complete development of crime reporting system that provides crime information to National Incident-Based Reporting System.

State Homeland Security Grant: Accept grant award of \$144,610 and execute grant agreement with Minnesota Department of Public Safety, Division of Emergency Management, to fund extra security costs during Operation Liberty Shield; and Approve appropriation.

POLICE DEPARTMENT (269211)

Plymouth Christian Youth Center: Accept up to \$52,526 and execute one-year grant agreement with Plymouth Christian Youth Center to support salary costs of a Crime Prevention Specialist to provide services within the PCYC Alternative Schools and with neighborhood youth to focus on reducing crime and improving livability in Jordan, Near North/Willard Hay and Hawthorne neighborhoods; and Approve appropriation.

Redeemer Center for Life: Accept up to \$104,000 and execute two-year grant agreement with Redeemer Center for Life to support salary costs of a Crime Prevention Specialist to provide services within the Redeemer Center for Life, St. Philip's Catholic Church, Hennepin County Courts, members of the faith communities and residents to focus on reducing crime and improving livability on the Northside; and Approve appropriation.

**PURCHASING (269212)**

Bid for Fire Department: OP #6168, Accept bid of SensIR Technologies to furnish and deliver HazMat ID Command System.

**REGULATORY SERVICES (269213)**

Regulatory Services Outsourced Vehicle Maintenance Contract: Execute amendment to contract with Automotive Rentals Inc to February 28, 2004 and increase total amount by \$90,000 to allow finalized service agreement with Public Works Equipment Services Division.

**RULES:**

**ATTORNEY (269214)**

Rules of the City Council: Proposed amendment to Rule 19 relating to requirement for a public hearing. (See Report of 10/24/03)

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (269215)**

Quarterly Submittal: Traffic Zones, Restrictions and Controls.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**PUBLIC WORKS AND ENGINEERING (269216)**

Special Service Districts (Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S): Passage of Resolution approving special service districts, cost estimates, service charges & list of service charges for 2004.

MHP-Clinton Ave, LLP (re 18th St E & Clinton Ave S): Authorize acceptance of easements from developer for multi-unit condominium development.

Minnesota Department of Transportation (MnDOT) Parcel (16 N 5th St): Plans to include site improvements and police parking.

Public Works Special Assessments: Passage of Resolution adopting the 2003 levy of various special assessments & assessment rolls for projects & charges.

Quality Restoration Services, Inc: Awarding contract for work zone traffic control devices by increasing amount of contract for 2003 & 2004 for ongoing & future construction projects.

Crystal Lake Cemetery: Passage of Resolution approving purchase of property or construction of a flood mitigation pond for Area 1 Flood Mitigation Project.

Southwest Corridor Light Rail Transit Study: Authorize support of study.

Downtown Circulator Task Force: Passage of Resolution of appreciation to task force and its Chair.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (269217)**

Guthrie District Parking Facility: a) Passage of Resolution determining to exercise its port authority powers & authorizing reimbursement for certain expenditures with respect to the Mills District/Downtown East Industrial Development District & the Guthrie District Parking Facility; b) Passage of Ordinance amending Title 16, Section 417.20 of the Minneapolis Code of Ordinances relating to Planning & Development, adding subsection relating to issuance of bonds; c) Passage of Resolution authorizing issuance of bonds.

Fridley Finished Water Reservoirs Nos 1 & 2: Authorize change order, increasing contract with Thor Construction, Inc for earthwork & waterproofing membrane installation on roof.

Central Ave NE Paving Project: Passage of Resolution approving amendment to MnDOT agreement to provide for payment to the City as the State's share of costs of construction.

Cedar Lake Parkway Bridge Project: a) Passage of Resolution increasing Capital Improvement appropriation for project; b) Authorize decrease in general fund operating budget; c) Authorize amendment to Mayor's 2004 budget recommendation to reflect reduction in planned 2004 net debt bond appropriation; d) Authorize City Engineer to enter into supplemental agreement with Lunda Construction Company for increased costs & extension of completion date.

**PUBLIC WORKS AND ENGINEERING (269218)**

Downtown Circulator Bus Purchase: Rescinding Amendment #1 to Contract 98-020 with Metropolitan Council; Authorize Amendment No 2 to address funding to operate buses as Downtown Circulator buses for 12 year.

Bids: Passage of Resolution approving bids OP #6111 and OP #6158, submitted to Public Works Department for projects and/or services for the City.

Public Safety Initiative Program: a) Approve reallocation of unspent and uncommitted appropriation for security enhancement to new Fire Station #4 & to City Attorney's case management system; b) Passage of Resolution approving appropriation & project accounting adjustments; c) Passage of Resolution amending 2003 bonding resolution by substituting previously approved bonding authorizations & requesting the Board of Estimate & Taxation to concur.

Fridley Water Filtration Plant: Authorization an agreement for an access/use permit with United Defense to install four monitoring wells.

Transfer of Third Avenue Distributor (TAD) Revenues: Authorization agreement with Met Council for a portion of the cost of providing bus service between the TAD Garages and Downtown.

**PUBLIC WORKS AND ENGINEERING (269219)**

Downtown Circulator Implementation: Passage of Resolution supporting implementation of the DT Circulator and authorizing staff to execute an agreement with Met Council for management and funding.

Third Av N (TAD) Garage Revenues: Authorization for staff to make payment of \$8,000,000 from TAD garage revenues to MnDOT; Passage of Resolution increasing the operating budget in the amount of \$8,000,000.

**WAYS AND MEANS BUDGET:**

**FINANCE DEPARTMENT (269220)**

2003 3rd Quarter Financial Status Report.

**MINNEAPOLIS PUBLIC LIBRARY (269221)**

Community Libraries: Presentation by Library Director on community library capital needs.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (269222)**

Legal Settlement: Authorize settlement with Yee Yang.

**BUSINESS INFORMATION SERVICES (269223)**

Engineering 2000 Project: Extend contract with Bentley Systems, Inc.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269224)**

Empowerment Zone Small Business Initiative Fund: Update on loan program and allocation of additional funds.

Empowerment Zone Funds for Acquisition of 1508 E Lake St: Approve allocation to Neighborhood Development Center.

**COORDINATOR (269225)**

New Central Library Project: Accept low bid of Graham Penco-Co for exterior stone and concrete.

**PARK BOARD (269226)**

Net Debt Bonds: Authorize transfer of bond funds from completed capital projects to project requiring additional funding.

**ZONING AND PLANNING (See Rep):**

PLANNING COMMISSION/DEPARTMENT (269227)

2030 Regional Development Framework Comments.

Appeals:

George Carlson (re APEX Asset Management Corp, 220 S 2nd St & 225 S 1st St).

Zoning Code Text Amendments:

Ordinance amending Title 20, Chapter 551 re allowing reception or meeting halls as permitted use in the Industrial Living Overlay District.

Ordinance amending Title 20, Chapter 525 re zoning application fees.

Rezoning:

Rex II, LLC, Steve Frenz (526-4th St N);

Isidro Perez (2741 Blaisdell Ave).

**FILED:**

CITY CLERK/SPECIAL PERMITS (269228)

2nd Av S, 1301 (National Eagle Center) bald eagle;

8th St S, 80 (Johmar Farms) goats;

44th Av N from Humboldt to Penn/Osseo (Holiday on 44th) horse & wagons.

HENNEPIN COUNTY (269229)

Hennepin County 2004 Open Appointments for Volunteer Service report.

*The following reports were signed by Mayor Rybak on 11/24/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having received the recommendation of the Mayor and the Executive Committee to appoint Lee Sheehy to the position of Director, Community Planning and Economic Development (CPED) and having held a public hearing thereon, now recommends approval of said appointment for a term beginning retroactively on August 24, 2003 and for reappointment to a second term effective January 2, 2004.

Adopted 11/21/03. Yeas, 10; Nays, 1 as follows:

Yeas - Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Benson, Goodman, Lane, Ostrow.

Nays - Johnson Lee.

Absent - Johnson, Niziolek.

**Comm Dev** - Your Committee, having under consideration the Heritage Park Project, now recommends that the Finance Officer or his designee be authorized to sign any necessary satisfaction or partial release of mortgage documents in connection with the \$2.137 million special assessment repayment lien, with Heritage Housing LLC to repay the secured funds when the development's parcels of land are transferred to builders or owners and costs can be assessed.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

**Comm Dev** - Your Committee, having under consideration the Community Planning and Economic Development (CPED) Department and the recommendations of an interdepartmental staff team regarding the transition of administrative and operational processes, policies and procedures (as fully included the staff report in Petn No 269194), now recommends:

1. a) Approval of the program guidelines included in Attachment 3A of said staff report, as previously approved by the Minneapolis Community Development Agency (MCDA) Board of Commissioners;  
b) That the CPED Director be authorized to make technical revisions related to the creation of CPED to all active program guidelines as listed in Attachments 3A and 3B of said staff report;  
c) That CPED be directed to provide the Mayor and City Council with an updated version of all program guidelines prior to year end;
2. a) Approval of the three revised development process administrative procedures that were originally approved as part of 96R-010 as listed in Attachments 4A, 4B and 4C of said staff report:
  - Administrative Procedure for Preparing, Approving and Amending Development Objectives;
  - Administrative Procedure for Preparing, Approving and Amending Project Plans and Finance Plans;
  - Administrative Procedure for Preparing, Approving and Amending CPED Program Guidelines; andb) That the Administrative Procedure for Review of Development Proposals by an Interdisciplinary Proposal Review Team that was also included in Resolution 96R-010 be rescinded.
3. That CPED, City Attorney, Public Works and Finance staff be directed to return by April 1, 2004 with recommendations for a consolidated set of guidelines for real property acquisition and disposition for use by the City and MCDA. Real estate transactions involving MCDA assets will continue to utilize MCDA acquisition and disposition guidelines and procedures until such time as the City Council approves new guidelines. To the extent permitted by charter and ordinance, the City will utilize existing MCDA guidelines and processes for real property acquisitions and dispositions for those assets transferred from the MCDA to the City or acquired by the City on behalf of CPED until such time as the City Council approves the new consolidated guidelines.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

The **COMMUNITY DEVELOPMENT, INTERGOVERNMENTAL RELATIONS** and **WAYS & MEANS/ BUDGET** Committees submitted the following reports:

**Comm Dev, IGR & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into an agreement with the University of Minnesota regarding the development of technology research and development facilities and designation of the Minnesota Bioscience Program Subzone.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

**Comm Dev, IGR & W&M/Budget** - Your Committee, having under consideration the SouthEast Minneapolis Industrial area (SEMI) that has recently been designated as a Bioscience Zone and having been informed of certain characteristics of the district that make redevelopment difficult, now recommends that the appropriate City staff be directed to pursue changes in State law (as outlined in Petn No 269197) that would allow tax increment pooling and qualifications of all parcels in the SEMI district.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution adopting the Village in Phillips Redevelopment Plan, Phase 1 Tax Increment Finance Plan and Modification #19 to the Model City Urban Renewal Plan and authorizing issuance of a tax increment revenue note in a principal amount not to exceed \$300,000.

It is further recommended that this report be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

Resolution 2003R-543, adopting the Village in Phillips Redevelopment Plan, Phase 1 Tax Increment Finance Plan and Modification #19 to the Model City Urban Renewal Plan and authorizing issuance of a tax increment revenue note in a principal amount not to exceed \$300,000, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-543**  
**By Goodman and Johnson**

**Adopting the Village in Phillips, Phase 1 Tax Increment Finance (TIF) Plan and Redevelopment Plan, and Modification No 19 to the Model City Urban Renewal Plan**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended (the "Agency Laws") the Housing and Redevelopment Authority in and for the City of Minneapolis (the "City") has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179 as amended; and Laws of Minnesota 1971, Chapter 677 (collectively, the "Project Laws").

1.2 It has been proposed and the Agency has prepared, and this Council has investigated the facts with respect to, a proposed new Village in Phillips Redevelopment Plan, a proposed Village in Phillips, Phase 1 TIF Plan, and a proposed Modification No 19 to the Model City Urban Renewal Plan ("collectively, the Plans"). The Plans create a new redevelopment project area, a new TIF district, and modify the existing Model City Urban Renewal Plan to accommodate the activities and financing related to the proposed project, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the project area, designate property that may be acquired, establish objectives, identify land uses, designate property to be included within the boundaries of the TIF District, identify a budget for expenditures, reflect project activities and costs, and establish a housing TIF District; all pursuant to and in accordance with the Project Laws.

1.3 The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

1.4 The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.



**Section 2. Findings for the Adoption of the Plans**

2.1 The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Laws.

2.2 The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise, as the proposed redevelopment removes blight and blighting influences, facilitates homeownership opportunities for low and moderate income households, and are necessary in order to finance a portion of the public redevelopment activities necessary to implement the project, in order to relieve the current shortage of decent, safe, and sanitary housing for persons of moderate or low income and their families in Minneapolis; enhances the city's tax base; will serve as an impetus for the provision of needed community redevelopment; and further, that tax increment assistance is being utilized to subsidize the extraordinary cost of providing affordable housing at this site.

2.3 The Council hereby finds, determines and declares that on July 31, 1998, the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City. The first phase of the Village in Phillips project includes new construction of 28 townhouse units (25 ownership and 3 Minneapolis Public Housing Agency rental units). Five units will be targeted towards families at less than 50% of median income, 20 units targeted towards families with 50% - 115% of median incomes (10 units are proposed at 50-80% and 10 units at 80-115%), and the rental units towards families at less than 30% of median incomes. Fifteen units will be in a land trust, and 5 units will be constructed by Habitat for Humanity. It is therefore found that the establishment of the Village in Phillips Redevelopment Project and TIF district is fully justified to facilitate public development activities and expenditures to alleviate the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.4 The Council further finds, determines and declares that low income housing is defined as housing affordable to families with incomes below 80 percent of the Metropolitan Median family income, and further, that moderate income housing is defined as housing affordable to families with incomes between 80 percent and 120 percent of the Metropolitan area median family income; and further, moderate income is defined for this purpose in terms of the income levels for which the market does not provide housing without public assistance. In addition, 469.002, Subdivision 18, defines moderate income persons as "persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means".

2.5 The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.6 The Council further finds, determines and declares that the Village in Phillips, Phase 1 TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11. The proposed district is located within the Village in Phillips Redevelopment Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.7 The Council further finds, determines and declares that the property to be included in the Project Area consists of 82 parcels including streets and alleys. MCDA Construction Management Specialists conducted interior and exterior inspections of the proposed redevelopment and TIF district. Interior inspections were not completed on all of the properties proposed for the project area, however, with reasonable certainty, the site analysis found several unimproved vacant lots, several properties whose structures did not meet the Uniform Building Code and Minnesota Energy Code, as well as fire protection devices in accordance with fire code and the ADA requirements. The majority of the buildings, commercial and residential, were found to be substandard under statutory criteria defining blight. Many residential properties are wood framed and do not comply with current Uniform Building Codes and contain outdated plumbing systems, possibility of lead paint, deteriorated and damaged roofing, siding and wood trim, obsolete type materials, broken and boarded windows, debris on site, missing hand and guard rails, and it was concluded that the buildings are structurally substandard and the area meets the requirement for blighted properties to a degree requiring substantial renovation or clearance, and exhibit

deficiencies in other categories such as lacking essential utilities, heat, light, ventilation, domestic water, facilities, fire protection and unknown factor such as asbestos and lead containing materials, basic energy conservation code requirements, and cannot be altered to an appropriate reuse.

2.8 The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.9 The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City of Minneapolis that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan. As shown there, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City of Minneapolis that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.10 The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Village in Phillips, Phase 1 TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.11 The Council finds additional public benefits will include blight remediation, tax base enhancement, economic integration, and increased neighborhood livability. The creation of this TIF district is in the public interest because it will facilitate the development of a mixed-income housing project which will provide needed housing for moderate and low income persons and families.

2.12 The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

2.13 The Council further finds, determines and declares that pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, the fair market value of the low and moderate income housing project must constitute at least 80 percent of the total valuation of the improvements constructed in the housing TIF District. 100 percent of the new construction in the proposed Village in Phillips, Phase 1 TIF district is residential.

### **Section 3. Approval of the Plans; Creation of TIF District**

3.1 Based upon the findings set forth in Section 2 hereof, the Village in Phillips, Phase 1 TIF Plan, the Village in Phillips Redevelopment Plan, and Modification No 19 to the Model City Urban Renewal Plan presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

### **Section 4. Implementation of the Plans**

4.1 The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a proposal to issue revenue bonds on behalf of The New French Bakery for acquisition and remodeling of an additional facility at 2600 26<sup>th</sup> Av S and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$6,000,000 in Tax-exempt

Minneapolis Community Development Agency (MCDA), Limited Tax-Supported Development Revenue Bonds, Series 2004 to be issued through the Minneapolis Common Bond Fund and designating the Bonds as bonds entitled to the security provided by Ordinance No. 87-Or-084, Tax Reserve and Pledge Ordinance, as set forth in Petn No 269199.

Your Committee further recommends, pursuant to MCDA Resolution No. 87-171M adopted by the Board of Commissioners of the MCDA, that these Common Fund Bonds be designated, if and when issued, as bonds entitled to the Security provided by said Tax Reserve and Pledge Ordinance; and that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

Resolution 2003R-544, preliminary approval to the issuance of up to \$6,000,000 in Tax-exempt Minneapolis Community Development Agency (MCDA), Limited Tax-Supported Development Revenue Bonds, Series 2004 for The New French Bakery to be issued through the Minneapolis Common Bond Fund and designating the Bonds as bonds entitled to the security provided by Ordinance No. 87-Or-084, Tax Reserve and Pledge Ordinance, as set forth in Petn No 269199, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-544**  
**By Goodman and Johnson**

**Giving preliminary approval to and authorizing a project on behalf of New French Bakery, Inc., and authorizing the issuance of revenue bonds or notes of the Minneapolis Community Development Agency therefor, payable primarily from revenues derived pursuant to a revenue agreement.**

Whereas, the City Council, by Ordinance No. 81-Or-017, as amended by Ordinance No. 82-Or-076, reorganized and renamed the Housing and Redevelopment Authority in and for the City of Minneapolis as the Minneapolis Community Development Agency (the "Former Agency"), and granted additional powers and duties pursuant to Minnesota Laws of 1980, Chapter 595; and

Whereas, the City Council, by Ordinance No. 86-Or-035, renamed the Former Agency as the Minneapolis Public Housing Authority in and for the City of Minneapolis and created a new public corporation named the Minneapolis Community Development Agency (the "Agency") to which it granted the development powers of the Former Agency and to which it extended the development obligations of the Former Agency; and

Whereas, pursuant to Minnesota Laws of 1980, Chapter 595, Ordinance No. 81-Or-017, as amended, and Ordinance No. 86-Or-035, as amended, of the City Council and Minnesota Statutes, Sections 469.152 through 469.1651 (collectively, the "Act"), the Agency is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue producing enterprise engaged in any business; and

Whereas, by Resolution No. 82-512, adopted by the Former Agency on December 15, 1982, as amended, the Former Agency established a certain common bond fund and provided for the issuance from time to time by the Agency of economic development revenue bonds to be secured thereby ("Common Fund Bonds"); and

Whereas, pursuant to Ordinance No. 86-Or-035, as amended by the Minneapolis City Council on June 27, 1986, the Agency has authority to issue Common Fund Bonds and is the successor to the Former Agency for purposes of Common Fund Bonds; and

Whereas, New French Bakery, Inc., a Minnesota corporation (the "Company"), has proposed to acquire, improve and equip a manufacturing building located at 2600 – 26<sup>th</sup> Avenue South in the City (hereinafter, the "Project"), and the Project will be used in the operation of the Company's baking business; and

Whereas, the Company has proposed that the Agency finance the Project by the issuance of its Common Fund Bonds under the Act in one or more series, in the approximate aggregate amount of \$6,000,000 (the "Bonds"); and

Whereas, the City Council has been advised that in accordance with the Act, a public hearing on the proposal to finance the Project has been conducted by the Community Development Committee of the City Council on behalf of the Agency, preceded by notice thereof as required by the Act, and at such public hearing all parties were given an opportunity to express their views with respect to the proposed undertaking and financing of the Project; and

Whereas, the City Council has been further advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City of Minneapolis at least fourteen (14) days prior to consideration hereof; and

Whereas, the Agency, by resolution adopted or to be adopted on the date hereof, has or will give preliminary approval to the Project in accordance with the Act;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary approval to the Project and the issuance by the Agency of its Bonds pursuant to the Act for the purpose of financing the Project in the aggregate sum of \$6,000,000 or such other amount approved by the Agency not exceeding such sum by more than ten percent (10%).

Be It Further Resolved that this approval by Ordinance No. 86-Or-035, as amended, of the City Council is hereby given as required.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Lake Street Center and having been informed that loan funds of \$1.6 million on the property are due to Marquette Bank, now recommends:

a) That the proper officers of the Minneapolis Community Development Agency (MCDA) and the City be authorized to execute and deliver all necessary documentation required to repay the Marquette loan for the Lake Street Center by December 31, 2003, to be funded on an interim basis through the MCDA Local Contribution Fund and to be repaid upon the sale of the Lake Street Center to a developer; and further that the necessary documentation be prepared and executed to repay the outstanding loan of \$250,000 to Powderhorn Park Neighborhood Association;

b) That the Finance Officer be authorized to make the necessary appropriation adjustments to facilitate said repayments.

It is further recommended that the matter be forwarded to the MCDA Board of Commissioners.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having been informed that the U.S. Department of Housing and Urban Development is reallocating funding for Community-based Housing Development Organizations (CHDO) to be used for development and support of the acquisition, rehabilitation or new construction of rental housing designated for single adults who are chronically homeless, now recommends that the proper City officers be authorized to apply for said funding under the HOME Investment Partnerships Program Competitive Reallocation Funds.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having been informed that the City has been awarded 2003 Metropolitan Council Livable Communities Demonstration Account (LCDA) Opportunity grant funds, now recommends:

a) Acceptance of \$46,395 to be provided to the Karamu East project;

b) That the proper City officers be authorized to execute Grant Agreement #SG-03-102 with the Metropolitan Council for said funds;

c) That the proper City officers be authorized to execute a contract with Northside Residents Redevelopment Council (NRRC) to receive said funds for the Karamu East project, for a period ending June 30, 2004;

d) Passage of the accompanying resolution appropriating the grant funds.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

**RESOLUTION 2003R-545**  
**By Goodman and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the Non-Departmental Agency in the Grants-Other Funds (0600-123-1232-5130 by \$46,395 and increasing the revenue source (0600-123-1232 - Source 3215) by \$46,395.

Adopted 11/21/03.

Absent - Johnson, Niziolek.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a contract with the State of Minnesota, Department of Employment and Economic Development (DEED) to allow the Employment & Training Program to accept funds as one of three pilot sites in the State to improve transition outcomes for young adults with disabilities during the period October 1, 2003 through September 30, 2008.

Adopted 11/21/03.

Absent - Johnson.

**H&HS** - Your Committee recommends approval of the Minneapolis Civilian Police Review Authority Administrative Rules, as amended, as set forth in Petn No 269201 on file in the Office of the City Clerk.

Zerby moved to amend the Petition by deleting Rule 6(B)(1)(d) and inserting in lieu thereof the following:

"6(B)(1)(d). Information from review authority investigations shall be shared only with staff assigned to the review authority (Ordn 172.170). The City Attorney's Office shall have access to authority files as needed to fulfill its legitimate legal and ethical obligations to provide legal services to the City, its officers, and employees, except that the criminal division shall have access only as provided by court order, the rules of criminal procedure, or clearly established constitutional or statutory law." Seconded.

Adopted upon a voice vote.

The report was adopted 11/21/03.

Absent - Johnson.

**H&HS** - Your Committee recommends concurrence with the recommendations of the Mayor and City Council to appoint the following persons to the Civilian Police Review Authority for four-year terms to expire December 31, 2007:

*Mayor Appointment*

Irene Jones, 3516 Clinton Av S (Ward 8)

*City Council Appointments*

Michael "Kip" Browne, J.D., 1550 Hillside Av N (Ward 3)

Alan Hooker, 4417 Upton Av N (Ward 4)

Adopted 11/21/03.

Absent - Johnson.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution transferring \$23,738.31 from the Department of Health & Family Support to the Police Department for reimbursement of law enforcement activities (Community Response Team (CRT) and Tactical/Operational efforts and Nextel phone service for the CRT) implemented within the Phillips Weed & Seed Zone during the period August 10 through October 6, 2003.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-546, transferring \$23,738.31 from Health & Family Support to the Police Department for reimbursement of law enforcement activities implemented within the Phillips Weed & Seed Zone, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-546**  
**By Johnson Lee and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$23,738.31;

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$23,738.31 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$23,738.31.

Adopted 11/21/03.

Absent - Johnson.

**H&HS & W&M/Budget** - Your Committee, having under consideration a Resolution approving the creation of a Limited English Proficient (LEP) Plan for the City of Minneapolis, now recommends:

**H&HS** - Passage of the above-entitled Resolution.

**W&M/Budget** - that the above-entitled Resolution be sent forward without recommendation.

Johnson Lee moved to amend the report to approve the Health & Human Services Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

Zerby moved that the resolution be amended by deleting the following two "Whereas" clauses:

"Whereas, in 2003, the budget for Multicultural Services included general fund money and \$120,000 in CDBG funds. The Mayor's proposed CDBG budget for 2004 does not include any funding for Multicultural Services; and

Whereas, the Health Department estimates the cost to fully fund Multicultural Services at \$350,000;" Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-547, approving the creation of a Limited English Proficient (LEP) Plan for the City of Minneapolis, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-547**  
**By Schiff, Johnson Lee and Zerby**

**Approving the creation of a Limited English Proficient (LEP) Plan for the City of Minneapolis.**

Whereas, Minneapolis has experienced a rapid and large increase in the number of residents who speak a language other than English; and

Whereas, in 2001-2002, 30% of the students in the Minneapolis Public Schools spoke a language other than English at home, up from 21% in 1989-1990 (source: Minnesota Department of Children, Families, and Learning); and

Whereas, in the 2000 Census, 55,475 Minneapolis residents (14.5% of the City's population) reported being foreign born, with 37,476 residents (9.8%) having entered in the last ten years; and

Whereas, in the 2000 Census, 68,935 residents (19.3%) reported speaking a language other than English at home. 37,693 residents (10.5%) said that they speak English less than very well; and

Whereas, Title VI of the Civil Rights Act of 1964 states that no person shall on the ground of national origin "be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"; and

Whereas, the Department of Justice has issued guidelines on compliance with Title VI for recipients of federal funds, effective June 12, 2002, stating that "Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP [Limited English Proficient] persons" (Federal Register June 18, 2002, p. 41457); and

Whereas, in August 2000 the City of Minneapolis Interdepartmental New Arrivals Work Group issued a report entitled "Welcoming New Arrivals to Minneapolis: Issues and Recommendations"; and

Whereas, the Work Group surveyed City departments on language access issues. In response to a question about what staff had done to overcome language barriers, the most common response (47%) was "Use client's friends/family members as interpreters" ("Welcoming New Arrivals, Appendix 2); and

Whereas, City departments identified as priorities the following:

- Quick, convenient, and effective interpreting and translation services.
- Staff training on culture and language.
- Identifying and developing relationships with individuals and organizations in new arrival communities.
- Hiring more bilingual and bicultural staff; and

Whereas, the Work Group identified three options for the City. Option 3 involved creating an Office of New Arrivals with four full time staff people. On September 15, 2000, the City Council voted that it preferred Option 3 and urged Mayor Sayles Belton to incorporate Option 3 into her recommended 2001 budget; and

Whereas, the City has not fully implemented Option 3. It created a Multicultural Services offices with full time positions for a Spanish speaker and a Somali speaker. It has not created positions for a coordinator or for other liaisons; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That each City Department is instructed to take responsible steps to ensure meaningful access by LEP persons to its programs, services and activities.

Be It Further Resolved that the Mayor and Council will direct the City Coordinator to form an interdepartmental LEP Planning Task Force to create an LEP Plan for the City and to ensure meaningful access and a consistent, comprehensive, and efficient approach to language access issues. The planning process will include participation by LEP persons and organizations who represent them. The LEP Plan will be finished within 9 months of the date of this Resolution.

Be It Further Resolved that the Task Force will use the LEP Guidance from the Department of Justice and other federal departments as appropriate as a guide to the minimum acceptable steps to provide meaningful access.

Be It Further Resolved that the Departments and the Task Force will also identify and implement appropriate measures to improve language access that can be accomplished immediately and in the short term, before the LEP Plan is adopted.

Be It Further Resolved that the City's 2004 budget will include appropriate resources for the development and implementation of the LEP plan.

Be It Further Resolved that by December 31, 2004, the City Coordinator, Human Resources, and Multicultural Services will work together to train all City staff who have contact with LEP persons in how to provide meaningful language access.

Meaningful access includes measures such as:

- creating, monitoring, and updating an LEP plan;
- identifying and tracking language preferences of people using or potentially using City services;
- interpreting by interpreters with proven competency, provided by the City;
- translating of vital written documents, provided by the City;
- providing notice to LEP persons of the free services available;
- training staff in language access issues and procedures.

Be It Further Resolved that by January 30, 2004, the City Coordinator and Multicultural Services will work together to notify all City staff who may have contact with LEP persons of some of the basic principles of language access.

Adopted 11/21/03.

Absent - Johnson.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

**IGR** - Your Committee, to whom was referred proposed ordinances amending the Minneapolis City Charter relating to contract procedures, to remove the Mayor and City Clerk signatures from City contracts; allow the Finance Officer to designate up to two persons to sign contracts on behalf of the Finance Officer; and to establish administrative procedures necessary for the management of City contracts, now recommends that the following ordinances be referred to the Minneapolis Charter Commission for consideration and referral to the City Council for adoption by unanimous vote:

- a) Amending Chapter 3, Section 1 relating to the powers and duties of the Mayor;
  - b) Amending Chapter 3, Section 5 relating to City Clerk-Election duties;
  - c) Amending Chapter 3, Sections 11 and 16 relating to the powers and duties of the Finance Officer;
  - d) Amending Chapter 4 to add a new Section 25 relating to the City Council's power to contract;
- and
- e) Amending Chapter 5, Section 24 relating to the payment of City obligations.

Adopted 11/21/03.

Absent - Johnson.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Eagle Shores Hospitality Inc, dba Signature Cafe & Catering, 130 Warwick St SE, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2004, now recommends that said license be sent forward without recommendation.



Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 11/21/03.

Declining to Vote - Benson.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Niziolek moved that the resolution be amended by referring back to the Public Safety & Regulatory Services Committee the following applications for licenses:

"Off-Sale Beer (Provisional), to expire April 1, 2004

Samarani Inc, dba Rogers Market, 2007 Glenwood Av (new business);

Dens-Light Inc, dba Big Stop, 1800 26th Av N (new business)." Seconded.

Adopted upon a voice vote.

The report and resolution as amended, was adopted 11/21/03.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2003R-548, granting applications for Liquor, Wine and Beer Licenses, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2003R-548**

**By Niziolek**

#### **Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

##### **Off-Sale Liquor, to expire January 1, 2005**

Haskell's Inc, dba Haskell's, 81 S 9th St;

PLR Holding Corporation, dba Jug Liquor Store, 226 W Broadway;

TRBK, Inc, dba Suite Life Catering, 600 1st Av N;

V & Y Inc, dba Dom's Liquor, 2201 University Av NE;

2538 Central Corporation, dba Central Avenue Liquors, 2538 Central Av NE;

##### **Off-Sale Liquor, to expire April 1, 2004**

Cedar Riverside Liquor Store Inc, dba Cedar Riverside Liquor Store, 525 Cedar Av S;

##### **Off-Sale Liquor, to expire October 1, 2004**

Brothers Greer Inc, dba Witt's Liquors, 19 S 7th St;

Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE;

Lowry Liquor Store Inc, dba Lowry Liquor Store, 2426 2nd St NE;

##### **Off-Sale Liquor, to expire October 1, 2004**

Zipp's Liquors Inc, dba Zipp's Liquor, 2618 E Franklin Av;

Ken & Norm's Liquors Inc, dba Ken & norm's Liquors, 4801 Chicago Av;

##### **On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2005**

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St;

422 Hennepin Inc, dba Brass Rail, 422 Hennepin Av;

AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av;

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2004**

City Center Hotel Ltd Partnership, dba Marriott City Center Mpls, 30 S 7th St;  
Fine Line Music Ventures Inc, dba Fine Line Music Cafe, 318 1st Av N;  
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall;  
Western Host Inc, dba Four Points Hotel Minneapolis, 1330 Industrial Blvd;  
Percic Enterprises Inc, dba Bridgewood, 3001 Broadway St NE;

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2004**

Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE (downgrade from Class A);

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2005**

Baz Inc, a Minnesota Corporation, dba Champps, 100 6th St N (includes Class B outdoor entertainment);

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2004**

Bartum's Inc, dba Lone Tree Bar & Grill, 528 Hennepin Av;

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2004**

Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St;  
German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE;  
Minneapolis Aerie #34 F O E, dba Minneapolis Aerie #34 F O E, 2507 E 25th St;  
Poodle Inc, dba Poodle Club, 3001 E Lake St;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2005**

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2004**

Westbank Productions Co LLC, dba 400 Bar, 400 Cedar Av S;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2004**

Brit's Ltd, dba Brit's Pub & Eatery, 1110 Nicollet Mall (new shareholder, new manager, internal transfer of shares);

Mirviss Israel, dba Sunny's, 2944 Chicago Av;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2004**

Megusta Mexican Cuisine Inc, dba Megusta Mexican Restaurant, 1507 E Lake St;  
J P Samuelson LLC, dba J P An American Bistro, 2937 Lyndale Av S;

**On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2005**

Union Grill & Bar LLC, dba Union Grill & Bar, 312 Central Av NE;

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2005**

TRBK Inc, dba Suite Life Catering, 600 1st Av N, meeting rooms;  
Pickled Parrot II LLC, dba Pickled Parrot, 1400 Lagoon Av;

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2004**

Lafayette Cafe LLC, dba Vincent, 1100 Nicollet Mall (new shareholder, internal transfer of shares);  
Friends of the Revolution Inc, dba Auriga, 1930 Hennepin Av (change from On-Sale Wine Class E with Strong Beer, new corporate officer, shareholder/partner);

Pizza Luce IV Inc, dba Pizza Luce, 2200 E Franklin Av (new business);

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004**

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St;  
S I B Inc, dba 331 Club, 331 13th Av NE;

Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St NE;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004**

TMMS Inc, dba C C Club, 2600 Lyndale Av S (new corporate officer, internal transfer of shares);  
Goodfellow's LLP, dba Goodfellow's, 40 S 7th St;  
Restaurant Entertainment Group Inc, dba Refuge Bar & Grill, 430 1st Av N;  
Loon Cafe Inc, dba Loon Cafe, 500 1st Av N;  
RCSH Operations Inc, dba Ruth's Chris Steak House, 920 2nd Av S;

Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE;  
Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S;  
TMMS Inc, dba C C Club, 2600 Lyndale Av S;  
Uptown Brewing Company LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S;  
Brutus Enterprises Inc, dba Popeyes Saloon, 3601 E Lake St;

**On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2004**

K & K Hospitality LLC, dba Erte, 1304 University Av NE (change in ownership from JNLE LLC);

**Temporary On-Sale Beer**

Midwest Mountaineering Inc, dba Outdoor Adventure Expo, 309 Cedar Av S (November 13, 2003, 5:00 p.m. to 9:00 p.m.; November 14, 2003, 5:00 p.m. to 9:00 p.m.; November 15, 2003, 9:00 a.m. to 6:00 p.m.; and November 16, 2003, 11:00 a.m. to 5:00 p.m.).

Adopted 11/21/03.

Declining to Vote - Benson.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-549, granting applications for Business Licenses, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-549**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 21, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269207):

Amusement Devices; Car Wash; Check Cashing; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Vending Machine; Gasoline Filling Station; Hospital; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Oil Burner Installer; Commercial Parking Lot Class A; Pet Shop; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Suntanning Facility; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; and Wrecker of Buildings Class B.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-550, granting applications for Gambling Licenses, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-550**

**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Class B**

Minnesota/USA Wrestling Inc, dba Minnesota/USA Wrestling Inc, 3327 Hennepin (Site: Cardinal Restaurant & Bar, 2920 E 38th St);

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (Site: Mac's Sports Bar, 301 Central Av SE);

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (Site: Broadway Pizza, 2025 W River Rd).

**Gambling Lawful Exempt**

Minnesota Architectural Foundation, dba Minnesota Architectural Foundation, 275 Market St #54 (Raffle November 20, 2003 at Convention Center).

Adopted 11/21/03.

Absent - Johnson.

**PS&RS** - Your Committee recommends that report passed June 21, 2002 relating to the On-Sale Liquor Class C-2 License with Sunday Sales held by Tea House LLC, dba House of Lalibela Ethiopian Restaurant, 3300 E Lake St, be amended to reflect a change in the hours of operation on Friday and Saturday nights to allow for closing at 2:00 a.m., to read as follows:

"a. that the hours of operation do not exceed the following:

Monday through Thursday 5:00 p.m. to 11:00 p.m.

Friday and Saturday 5:00 p.m. to 2:00 a.m.

Sunday 5:00 p.m. to 10:00 p.m."

Adopted 11/21/03.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Rodolfo Trujillo, dba Ay Caramba, 3501 Nicollet Av S.

Adopted 11/21/03.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2003R-551, approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Rodolfo Trujillo, dba Ay Caramba, 3501 Nicollet Av S, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-551**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E1 with Strong Beer License held by Rodolfo Trujillo, dba Ay Caramba, 3501 Nicollet Av S.**

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee hearing for violating the Minneapolis Code of Ordinance by allowing another business to use the licensee's Wine and Strong Beer License; for purchasing liquor while on the "no ship" list;

Whereas, the licensee has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative penalty in the amount of \$5,000 to the City of Minneapolis for allowing another business to use the licensee's Wine and Strong Beer License, and for purchasing liquor while on the "no ship" list. Further, that \$2,500 of said penalty shall be stayed for one-year provided there are no same or similar violations; \$2,500 shall be due and payable upon the signing of the TAC Agreement.

b. that once an application is made from Mr. Ganzels for El Rey de Oro, a 'management agreement can be submitted and considered.

Adopted 11/21/03.

Declining to Vote - Benson.

Absent - Johnson.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1880(d) increasing the administrative fee from \$50 to \$250 for the first dwelling unit for operation of an unlicensed dwelling unit, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/21/03.

Absent - Johnson.

Ordinance 2003-Or-137 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1880(d) to increase the administrative fee from \$50 to \$250 for the first dwelling unit for operation of an unlicensed dwelling unit, was passed 11/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2003-Or-137**  
**By Samuels, Johnson and Zerby**  
**Intro & 1st Reading: 10/10/03**  
**Ref to: PS&RS**  
**2nd Reading: 11/21/03**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.1880 (d) of the above-entitled ordinance be amended to read as follows:

**244.1880. License fees.**

(d) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee of ~~fifty dollars (\$50.00)~~ two hundred and fifty dollars (\$250.00) for the first dwelling unit, and twenty dollars (\$20.00) for each additional dwelling unit under common ownership in the same building. This fee shall be in addition to any other appropriate enforcement action or fees due.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute an amendment to the contract with Automotive Rentals, Inc (ARI) to increase the amount by \$90,000 and extend the performance period through February 28, 2004 in order to finalize a service agreement with the Public Works Equipment Services Division to provide vehicle maintenance services for the Department of Regulatory Services' fleet and to transition the Department's fleet to service with Public Works.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Firm Fixed Price Contract with the United States Department of Health and Human Services to allow the Fire Department to receive \$560,000 for the sustainment of the Metropolitan Medical Response System (MMRS) which enhances response capabilities in MMRS jurisdictions and to expand and sustain existing jurisdictions' capabilities for rapid response to domestic terrorism. And, that the proper City Officers be authorized to execute any other sub-recipient agreements as necessary to implement said contract. Further, passage of the accompanying Resolution appropriating \$560,000 to the Fire Department.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-552, appropriating \$560,000 to the Fire Department for the sustainment of the Metropolitan Medical Response System, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-552**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$560,000 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$560,000.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$50 from Children's Health Care to put towards the purchase of a thermal imaging camera for the Fire Department. Further, passage of the accompanying Resolution appropriating \$50 to the Fire Department.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-553, appropriating \$50 to the Fire Department for the purchase of a thermal imaging camera, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-553**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$50 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$50.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute an agreement with Deloitte & Touche LLP, in an amount under \$50,000, and to substitute a non-standard City agreement form with an agreement from Deloitte & Touche, in order for Deloitte and Touche LLP to assist the Fire Department with the completion of the Accreditation Process for compliance with the Commission on Fire Accreditation International requirements.

Adopted 11/21/03.

Declining to Vote - Schiff.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$800,000 and execute a grant agreement with the United States Department of Homeland Security, Office for Domestic Preparedness, which will be allocated and disbursed by the Minnesota Department of Public Safety, for the Fire Department to purchase specialized response equipment and exercise related costs to provide heavy collapse rescue response on a Statewide level to Weapons of Mass Destruction incidents where structural collapse has occurred. And, that the proper City Officers be authorized to execute any other sub-recipient agreements as necessary to implement said agreement. Further, passage of the accompanying Resolution appropriating \$800,000 to the Fire Department.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-554, appropriating \$800,000 to the Fire Department for the purchase of specialized response equipment and exercise related costs to provide heavy collapse rescue response to Weapons of Mass Destruction incidents, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-554**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$800,000 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$800,000.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of bid received on OP #6168 (Petr No 269212) submitted by SensIR Technologies, in the amount of \$62,500, for furnishing and delivering a HazMat ID command system to the Fire Department, all in accordance with City specifications and contingent upon approval by the Department of Civil Rights.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute an amendment to the grant agreement with the Minnesota Bureau of Criminal Apprehension to extend the performance period in order to expend the total grant award of \$250,000 to complete the development of the Police Department's crime reporting system to provide crime information to the new National Incident-Based Reporting System.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$144,610 and execute a grant agreement with the Minnesota Department of Public Safety, Division of Emergency Management, to reimburse the City for law enforcement costs for qualifying extra security details during Operation Liberty Shield (details at public facilities including the Water Treatment Facility, security for City Hall, and security at the NCAA Final Four Tournament and the Twins Opener). Further, passage of the accompanying Resolution appropriating \$144,610 to the Police Department.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-555, appropriating \$144,610 to the Police Department whereby the State will reimburse the City for law enforcement costs for qualifying extra security details during Operation Liberty Shield, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-555**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B131) by \$144,610 and increasing the Revenue Source (030-400-B131 - Source 3210) by \$144,610.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept up to \$52,526 and execute a one-year grant agreement with Plymouth Christian Youth Center (PCYC) to support the salary costs of a Crime Prevention Specialist to provide services within the PCYC Alternative Schools and with neighborhood youth to focus on reducing crime and improving livability in the Jordan, Near North/Willard Hay and Hawthorne Neighborhoods; the Police Department will pay the fringe benefits for said position. Further, passage of the accompanying Resolution appropriating \$52,526 to the Police Department.

Adopted 11/21/03.

Absent - Johnson.



Resolution 2003R-556, appropriating \$52,526 to the Police Department to support salary costs of a Crime Prevention Specialist to provide services within the PCYC Alternative Schools and work with neighborhood youth to focus on reducing crime in the Jordan, Near North/Willard Hay and Hawthorne Neighborhoods, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-556**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P400) by \$52,526 and increasing the Revenue Source (060-400-P400 - Source 3720) by \$52,526.

Adopted 11/21/03.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept up to \$104,000 and execute a two-year grant agreement with Redeemer Center for Life to support the salary costs of a Crime Prevention Specialist to provide services within the Redeemer Center for Life, St. Philip's Catholic Church, Hennepin County Courts, members of the faith communities and residents to focus on reducing crime and improving livability on the Northside of Minneapolis; the Police Department will pay the fringe benefits for said position. Further, passage of the accompanying Resolution appropriating \$104,000 to the Police Department.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-557, appropriating \$104,000 to the Police Department to support salary costs of a Crime Prevention Specialist to provide services within the Redeemer Center for Life, St. Philip's Catholic Church, Hennepin County Courts, members of the faith communities and residents to focus on reducing crime on the Northside of Minneapolis, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-557**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants -Federal Fund (030-400-P400) by \$104,000 and increasing the Revenue Source (030-400-P400 - Source 3210) by \$104,000.

Adopted 11/21/03.

Absent - Johnson.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, S Hennepin Av and 48<sup>th</sup> St E and Chicago Av S Special Service Districts, now

recommends passage of the accompanying Resolution approving special services, the cost estimates, service charges and the lists of service charges for 2004, and directing the City Engineer to proceed with the work.

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

Resolution 2003R-558, approving special services, the cost estimates, service charges and the lists of service charges for 2004 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, S Hennepin Av and 48<sup>th</sup> St E and Chicago AV S Special Service Districts and directing the City Engineer to proceed with the work, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-558**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges and the lists of service charges for 2004 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, S Hennepin Av and 48<sup>th</sup> St E and Chicago AV S Special Service Districts and directing the City Engineer to proceed with the work.**

Whereas, public hearings were held on November 17, 2003 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapters 438, 444, 446, 448, 450, 454 and 457 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges and the proposed lists of service charges as more particularly described in Petn No 269216 on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$99,500 for 2004 and the proposed service charges and the proposed list of service charges for 2004 in the total amount of \$88,856 (amount remaining after adjusting the cost estimate of \$99,500 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$71,000 for 2004 and the proposed service charges and the proposed list of service charges for 2004 in the total amount of \$75,820 (amount remaining after adjusting the cost estimate of \$71,000 for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$81,500 for 2004 and the proposed service charges and the proposed list of service charges for 2004 in the total amount of \$58,776 (amount remaining after adjusting the cost estimate of \$81,500 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Central Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$72,500 for 2004 and the proposed service charges and the proposed list of service charges for 2004 in the total amount of \$88,984 (amount remaining after adjusting the cost estimate of \$72,500 for previous years' unexpended balances and additional costs as provided for in Section 448.70 of the

Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Nicollet Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$55,900 for 2004 and the proposed service charges and the proposed list of service charges for 2004 in the total amount of \$55,777 (amount remaining after adjusting the cost estimate of \$55,900 for previous years' unexpended balances and additional costs as provided for in Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$57,640 for 2004 and that the proposed service charges and the proposed list of service charges for 2004 in the total amount of \$57,640 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 454.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the S Hennepin Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$11,000 for 2003 and 2004 and that the proposed service charges and the proposed list of service charges for 2003 and 2004 in the total amount of \$11,000 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 457.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the 48<sup>th</sup> St E and Chicago Av S Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2004 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

**T&PW** - Your Committee, having under consideration the multi-unit Condominium development at 18th St E and Clinton Av S, now recommends authorizing the acceptance of easements from the MHP-Clinton Avenue, LLP (The Developer) over portions of Lot 1, Block 12, Jackson Daniels and Whitneys Addition to Minneapolis, to enable the Developer to present their lenders and title insurers with an unencumbered land title and the City and State maintaining their existing infrastructure and easement rights.

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

**T&PW** - Your Committee having received the plans for Minnesota Department of Transportation (MnDOT) parcel located at 16 N 5th St, adjacent to the Warehouse District LRT Station to include site improvements and police parking, recommends that this matter be sent forward without recommendation.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**T&PW** - Your Committee, having received the plans for Minnesota Department of Transportation (MnDOT) parcel located at 16 N 5th St, adjacent to the Warehouse District LRT Station to include site improvements and police parking, now recommends that CPED be directed to work with Met Council to ensure that an RFP for development of Parcel 99C is issued by June 2005 and direct staff to request the Met Council replace the rock mulch identified in this site plan with pervious paver.

The substitute report was adopted 11/21/03.

Absent - Johnson.

**T&PW** - Your Committee recommends passage of the accompanying Resolution adopting the 2003 levy of various special assessments and to adopt the assessment rolls for projects and charges, and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

Resolution 2003R-559, 2003 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-559**

**By Colvin Roy**

**2003 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.**

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor:

(1) Uptown (Hennepin–Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$18,234.15 principal and interest for payable 2004 – Levy 01026 – Project 2897I.

(2) 10<sup>th</sup> Street South Reconstruction Project, Special Improvement of Existing Street No 2982; \$200,712.14 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 2982C.

(3) Nicollet Avenue South (46<sup>th</sup> St W to Minnehaha Parkway) Street Reconstruction Project, Special Improvement of Existing Street No 6694; \$368,588.62 principal (reduced from \$368,599.30 due to clerical error); 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 6694C; 1 installment for assessments of \$150 or less - 2.5% interest - Levy 01026 - Project C6694.

(4) 38<sup>th</sup> Street East Reconstruction Project, Special Improvement of Existing Street No 6698; \$164,019.27; 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 6698C; 1 installment for assessments of \$150 or less - 2.5% - Levy 01026 - Project C6698.

(5) Cedar Lake Road South/Cedar Lake Parkway Reconstruction, Special Improvement of Existing Street No 9705; \$51,691.72 principal (reduced from \$53,010.98 due to clerical error); 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 9705C.

(6) South Linden Hills Street Renovation, Special Improvement of Existing Street No 2964; \$1,022,319.24 principal; 10 installments for assessments of more than \$150 - 3.3% interest - Levy 01026 - Project 2964R; 1 installment for assessments \$150 or less - 2.5% interest - Levy 01026 - Project R2964.

(7) 43<sup>rd</sup> Street East and Park Avenue South Street Renovation Project, Special Improvement of Existing Street No 2212; \$53,121.94 principal; 10 installments for assessments of more than \$150 - 3.3% interest - Levy 01026 - Project 2212R; 1 installment for assessments \$150 or less - 2.5% interest - Levy 01026 - Project R2212.

(8) Central Phillips Street Renovation Project, Special Improvement of Existing Street No 2985; \$1,029,150.17 principal; 10 installments for assessments of more than \$150 - 3.3% interest - Levy 01026 - Project 2985R; 1 installment for assessments of \$150 or less - 2.5% interest - Levy 01026 - Project R2985.

(9) University East Street Renovation Project, Special Improvement of Existing Street No 2986; \$647,743.73; 10 installments for assessments of more than \$150 - 3.3% interest - Levy 01026 - Project 2986R; 1 installment for assessments of \$150 or less - 2.5% interest - Levy 01026 - Project R2986.

(10) Alley Reconstruction between 6<sup>th</sup> Street NE and Washington Street NE from Broadway Street NE to 8<sup>th</sup> Avenue NE, Special Improvement of Existing Alley No 2235; \$52,200.01 principal; 10 installments for assessments of more than \$150 - 3.3% interest - Levy 01013 - Project 2235A.

(11) Heritage Park Redevelopment Phase I (also known as Near Northside Housing Redevelopment), Project No 9746:

(a) Street Improvements; \$378,455 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 9746C.

(b) Ornamental Street Lighting; \$451,085 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 9746L.

(c) Sidewalk Construction; \$212,075 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01052 - Project 9746S.

(d) Water Mains; \$606,555 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01029 - Project 9746W.

(e) Sanitary Sewers; \$518,755 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01021 - Project 9746S.

(12) 2003 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS03#1; \$55,940.14 principal; 5 installments for assessments of more than \$150 - 2.7% interest - Levy 01013 - Project FS031; 1 installment for assessments of \$150 or less - 2.5% interest - Levy 01013 - Project 031FS.

(13) Fremont Avenue S Street Lighting Project, Special Improvement of Existing Street No 2236; \$140,400.32 principal; 20 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 2236L.

(a) Giving final approval for Street Lighting District No 1289 (said district having been established for the Fremont Avenue S Street Lighting Project, Special Improvement of Existing Street No 2236); annual operation and maintenance costs in said district - \$0.00 - Levy 01023 - Project 1289.

(14) 43<sup>rd</sup> Avenue N Sanitary Sewer Project No 4339; \$23,496 principal; 20 principal installments for assessments of more than \$150 - 4% interest - Levy 01021 - Project 4339S.

(15) Kenwood Parkway Sanitary Sewer Project No 4340; \$51,152 principal; 20 principal installments for assessments of more than \$150 - 4% interest - Levy 01021 - Project 4340S.

(16) Areaway Abandonment & Removal, Franklin Avenue E Street Construction, Special Improvement of Existing Street No 2202; \$10,660.50 principal; 20 principal installments for assessments of more than \$150 - 4% interest - Levy 01054 - Project 2202A.

(17) Project No 2004, Snow and Ice Removals from Public Sidewalks; \$4870.80 principal (reduced from \$5097.74 due to prepayments); 1 installment - 2.5% interest - Levy 01057 - Project 04S11.

(18) Project No 2004, Public Sidewalk Repair and Construction; \$1,383,326.93 principal (reduced from \$1,415,558.58 due to prepayments); 10 installments for assessments of more than \$1500 - 3.3% interest - Levy 01052 - Project 04S10; 5 installments for assessments of more than \$150 up to \$1500 - 2.7% interest - Levy 01052 - Project 04S05; 1 installment for assessments \$150 or less - 2.5% interest - Levy 01052 - Project 04S01.

(19) Project No 2004, Water Service Line Repairs; \$523,424 principal (reduced from \$540,133 due to prepayments); 5 installments at 8% interest - Levy 01028 - Project 04WTR; 10 installments at 8% interest for PID 09-029-24-41-0197 - Levy 01028 - Project 04W10.

(20) Project No 2004 Sewer Service Line Repairs; \$95,665.12 principal (reduced from \$100,644.82 due to prepayments); 5 installments at 8% interest - Levy 01083 - Project 04SWR.

(21) Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.45 per front foot.

(22) Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 269216.

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

**T&PW** - Your Committee, having under consideration a report passed April 18, 2003 awarding a contract under OP #6000 with Quality Restoration Services, Inc. for the rental of work zone traffic control devices, now recommends that the said report be amended by increasing Contract No 19276 in the amount of \$500,000 for a total amount of \$1,050,000 for the year 2003 and to increase the 2004 contract by \$450,000 for a total amount of \$1,000,000, for ongoing and future construction projects.

Your Committee further recommends that the proper City officers be authorized to execute said contract amendment.

Adopted 11/21/03.

Absent - Johnson.

**T&PW** - Your Committee recommends passage of the accompanying Resolution authorizing the proper City officers to purchase property, as needed for the construction of a flood mitigation pond as part of the Area 1 Flood Mitigation Project (Crystal Lake Cemetery).

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

Resolution 2003R-560, approving the purchase of property needed for the construction of a flood mitigation pond for the Flood Area 1 project, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-560**

**By Colvin Roy**

**Approving the purchase of property needed for the construction of a flood mitigation pond for the Flood Area 1 project.**

Resolved by The City Council of The City of Minneapolis:

That the Minneapolis Community Development Agency (MCDA), on the behalf of the City of Minneapolis, be authorized to acquire property necessary for the construction of a flood mitigation pond as part of the Area 1 Flood Mitigation project.

Be It Further Resolved that upon recommendation from MCDA staff, that the proper City officials be authorized to sign a Purchase Agreement for the property and all other necessary documents for the purchase.

Be It Further Resolved That the City Engineer be authorized to pay all relevant expenses associated with this property acquisition, payable from the Sewer Construction – Capital Agency (7300-932-9322-PS37)

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

**T&PW** - Your Committee recommends concurrence with the recommendations of the Public Works Department to support the Southwest Corridor LRT Study process and that the Hennepin County Regional Railroad Authority (HCRRA) pursue the next phase of the study with the understanding that

the HCRRA will work with Minneapolis in further evaluating alternative route configurations which would directly connect Uptown into this regional corridor.

Adopted 11/21/03. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Lane, Ostrow.

Nays - Goodman.

Absent - Johnson.

**T&PW** - Your Committee recommends passage of the accompanying Resolution expressing their appreciation to the Downtown Circulator Task Force and to its Chair, Charles Ferrell, for their dedication, time, and hard work in responding successfully to the charge assigned to them by the City Council.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-561, expressing appreciation to the Downtown Circulator Task Force, and its Chair, Charles Ferrell, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-561**

**By Colvin Roy, Lilligren, Benson, Lane, Schiff, Zimmermann, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Goodman and Niziolek**

**Expressing its appreciation to the Downtown Circulator Task Force, and its Chair, Charles Ferrell.**

Whereas, The City Council created the Downtown Circulator Task (Task Force) on February 19, 1999 and named Charles Ferrell as Chair; and

Whereas, The Council charged the Task Force to: "Evaluate proposed Downtown Circulator routes and recommend preferred alternative for coordination with LRT service; propose Circulator vehicle; recommend service headways; recommend and assist in identifying and securing funding for Circulator implementation and operation so the Circulator can begin operation in advance of LRT beginning revenue operation."; and

Whereas, the Task Force has responded to its charge, has developed a Downtown Circulator Plan, proposed the desired type of vehicle, prepared and presented its Report to the Transportation and Public Works Committee; and

Whereas, the Task Force has made a large contribution to resolving congestion in Downtown and increasing the area's focus on transit; and

Whereas, the Transportation and Public Works Committee has received this Report and has expressed its appreciation to the Task Force for their efforts; and

Whereas, the City Engineer has been directed to develop recommendations for implementation of the Downtown Circulator,

Now Therefore Be It Resolved By The City Council of The City of Minneapolis:

That it expresses its sincere appreciation to the Downtown Circulator Task Force, and to its Chair, Charles Ferrell, for their dedication, time, and hard work in responding successfully to the charge assigned them by the City Council.

Adopted 11/21/03.

Absent - Johnson.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the Guthrie District Parking Facility and having held public hearings thereon, now recommends:

a. Passage of a Resolution exercising its port authority powers with respect to the Guthrie District Parking Facility; and authorizing reimbursement for certain expenditures with respect to the Mills District/Downtown East Industrial Development District and the Guthrie District Parking Facility;

b. That the accompanying Ordinance amending Title 16, Chapter 417 of the Minneapolis Code of Ordinances relating to *Planning and Development: Port Authority*, amending Section 417.20 to authorize the issuance of bonds for the Guthrie District Parking Facility under its port authority powers, be given its first and second reading for amendment and passage; and

c. Passage of a Resolution authorizing issuance of up to \$33,650,000 of 501(c)(3) variable rate general obligation tax-exempt bonds.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-562, determining to exercise port authority powers with respect to the Guthrie District Parking Facility; and authorizing reimbursement for certain expenditures with respect to the Mills District/Downtown East Industrial Development District and the Guthrie District Parking Facility, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-562**  
**By Colvin Roy and Johnson**

**Determining to exercise port authority powers with respect to the Guthrie District Parking Facility; and authorizing reimbursement for certain expenditures with respect to the Mills District/Downtown East Industrial Development District and the Guthrie District Parking Facility.**

Resolved By The City Council of The City of Minneapolis:

Section 1. Authorization and Findings

**1.01. Purposes.** The City is proposing to issue its general obligation bonds as authorized by Minnesota Statutes, Section 469.060, to which the full faith, credit, and resources of the City are to be pledged, in a principal amount not exceeding thirty-three million, six hundred and fifty thousand dollars (\$33,650,000), for (a) the acquisition of land and interests in land and the construction of the Guthrie District Parking Facility (to be located on the block bounded by South Second Street, Washington Avenue South, extended Chicago Avenue South, and extended Ninth Avenue South); and (b) adjacent street and other improvements (collectively, the "Project"). The acquisition and construction of the Project are hereby determined to be necessary and expedient to promote the economic development of the City.

**1.02. Exercise of Port Authority Powers.** Pursuant to Minnesota Statutes, Section 469.078, Minnesota Laws 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 417, as amended, and Section 422.110f, the City, acting through this Council, is authorized to exercise the powers of a port authority under Minnesota Statutes, Sections 469.048 to 469.068, as amended (the "Port Authority Act"). Section 469.055, subdivision 6, of the Port Authority Act authorizes the City to acquire, purchase, construct, lease, and operate transportation facilities needed or convenient for handling passenger traffic. Section 469.059, subdivision 16, authorizes the City to operate and maintain public parking facilities and other public facilities to promote development in an industrial development district established pursuant to the Port Authority Act. This Council hereby determines to exercise the powers of a port authority under the Port Authority Act in connection with the acquisition, construction, and financing of the Project.



**1.03. Targeted Neighborhood Designation.** Minnesota Statutes, Section 469.205, subdivision 1, provides that a city may exercise any of its corporate powers, including its powers pursuant to the Port Authority Act, within a targeted neighborhood, and that, for purposes of the Port Authority Act, a targeted neighborhood is considered an industrial development district. Minnesota Statutes, Section 469.202, subdivision 1, provides that a city may by resolution designate targeted neighborhoods within its borders after detailed findings that the designated neighborhoods meet the eligibility requirements of Minnesota Statutes, Section 469.202, subdivision 2. By Resolution 2002R-147 approved on May 3, 2002, the City Council has designated Census Tract Numbers 46.02 and 47 as a targeted neighborhood and as the Mills District/Downtown East Industrial Development District.

Section 2. Preliminary Approval and Reimbursement of Expenditures

**2.01. Preliminary Approval for the Issuance of Bonds.** This Council hereby gives preliminary approval to the issuance of general obligation bonds of the City to which the full faith, credit, and resources of the City are to be pledged (the "Bonds"), in a principal amount not exceeding a total of thirty-three million, six hundred and fifty thousand dollars (\$33,650,000), to finance all or a portion of the costs of the Project. The Bonds are to be issued pursuant to Minnesota Statutes, Section 469.060, and may be issued and sold without submission of the question to the electors of the City. This City Council further hereby requests that the Board of Estimate and Taxation issue bonds for this project.

**2.02. Reimbursement of Costs under the Code.** The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2, as amended (the "Regulation"), governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid prior to the date of issuance of such tax-exempt bonds. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty days after payment of the original expenditure. The Regulation also generally requires that the bonds be issued, and the reimbursement allocation made from the proceeds of the bonds occur, within eighteen months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the bonds.

To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the Project, the City reasonably expects to reimburse the City for the expenditures made for costs of the Project from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Port Authority Act.

No expenditures with respect to the Project have been made by the City more than sixty days before the date of adoption of this resolution, other than: (i) expenditures to be paid or reimbursed from sources other than the Bonds; (ii) expenditures paid or reimbursed with the proceeds of prior indebtedness of the City; (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulation; or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulation). As of the date hereof, there are no funds of the City reserved, allocated on a long term-basis, or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Adopted 11/21/03.

Absent - Johnson.

Ordinance 2003-Or-138, amending Title 16, Chapter 417 of the Minneapolis Code of Ordinances relating to *Planning and Development: Port Authority*, was passed 11/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2003-Or-138**  
**By Colvin Roy and Johnson**  
**Intro & 1st Reading: 10/28/03**  
**Ref to: T&PW & W&M/Budget**  
**2nd Reading: 11/21/03**

**Amending Title 16, Chapter 417 of the Minneapolis Code of Ordinances relating to Planning and Development: Port Authority.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 417.20 of the Minneapolis Code of Ordinances be amended by adding thereto a new subsection (2) to read as follows:

**417.20. Issuance of bonds.** Pursuant to the above authority, the city by resolution may authorize the issuance of bonds for the respective project described as follows:

(2) Guthrie District Parking Facility. The city may issue general obligation bonds as authorized by Minnesota Statutes, Section 469.060, to which the full faith, credit, and resources of the city are to be pledged, in a total principal amount not exceeding thirty-three million, six hundred and fifty thousand dollars (\$33,650,000.00), for the acquisition of land and interests in land and the construction of the Guthrie District Parking Facility (to be located on the block bounded by South Second Street, Washington Avenue South, extended Chicago Avenue South, and extended Ninth Avenue South); and adjacent street and other improvements.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-563, relating to the development and construction of the Guthrie District Parking Facility and to the financing of the costs with respect thereto; providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of general obligation bonds by the City of Minneapolis in the original aggregate principal amount not to exceed \$33,650,000, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-563**  
**By Colvin Roy and Johnson**

**Relating to the development and construction of the Guthrie District Parking Facility and to the financing of the costs with respect thereto; providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of general obligation bonds by the City of Minneapolis in the original aggregate principal amount not to exceed \$33,650,000.**

Resolved By The City Council of The City of Minneapolis:

Section 1. Background

**1.01. The Guthrie Theater Complex.** On May 18, 2001, the Board of Commissioners (the "Board") of the Minneapolis Community Development Agency (the "Agency") authorized the Agency to enter into a redevelopment contract with the Guthrie Theater Foundation, a Minnesota nonprofit corporation (the "Guthrie"), to convey certain real property (the "Site") located in the Industry Square Redevelopment Project (the "Project") to the Guthrie for development of a theater complex of approximately 225,000 square feet and related improvements (the "Theater Complex"). On May 18, 2001, the City Council of the City of Minneapolis (the "City") authorized the City to also enter into the redevelopment contract. A redevelopment contract, dated September 19, 2001, was executed by the Agency, the City, and the Guthrie. On November 22, 2002, the Board authorized the Agency, and the

City Council authorized the City, to enter into an amended redevelopment contract to revise the portion of the Site being conveyed to the Guthrie for the development of the Theater Complex and to make other amendments to the terms of the redevelopment contract. The Agency, the City, and the Guthrie have entered into an Amended and Restated Redevelopment Contract, dated July 25, 2003 (the "Redevelopment Contract").

**1.02. Public Improvements.** Pursuant to the terms of the Redevelopment Contract, the Agency and the City have agreed to convey to the Guthrie certain land bounded by West River Parkway, vacated Tenth Avenue South, Second Street South, and Chicago Plaza (identified in the Redevelopment Contract as "Parcel A"). The Guthrie has agreed to construct the Theater Complex on Parcel A in accordance with the terms and conditions set forth in the Redevelopment Contract. The Agency and the City also agreed to finance and construct certain public improvements in connection with the construction of the Theater Complex on Parcel A. These public improvements include the extension of Chicago Avenue South from Washington Avenue to Second Street South, the extension of Ninth Avenue South from Washington Avenue to Second Street South, the construction of a public plaza within the Chicago Avenue South right-of-way, and the installation of public utilities (water, sanitary sewer, and storm sewer facilities) sufficient for the needs of the Theater Complex.

**1.03. Guthrie District Parking Facility.** Pursuant to the terms of the Redevelopment Contract, the City has agreed to construct a multi-story parking ramp with a capacity of 1,000 vehicles (the "Guthrie District Parking Facility"), to be located on the Off-Site Parking Parcel (as defined in the Redevelopment Contract) bounded by Washington Avenue South, Chicago Avenue South, Second Street South, and Ninth Avenue South. The City and the Guthrie entered into a Parking Design/Build Agreement, dated July 25, 2003, pursuant to which the Guthrie, as agent to the City, will design and build the Guthrie District Parking Facility.

**1.04. The Finance Plan.** To finance the estimated capital and related costs with respect to the development and construction of the Guthrie District Parking Facility (including the reimbursement of certain preliminary expenses paid or incurred by the City and the Agency), the City is proposing to issue general obligation bonds of the City (the "Bonds"). The Bonds are proposed to be issued in an original aggregate principal amount not to exceed \$33,650,000. Payment of the principal of, premium, if any, and interest on the Bonds will be secured by the full faith and credit of the City and, to the extent necessary for this purpose, the City will levy taxes on all taxable property in the City without limitation as to rate or amount. The Bonds are expected to be paid from the following sources (collectively, the "Public Revenues"): (i) a portion of the proceeds of the Bonds to be applied to the payment of a portion of the interest on the Bonds until other revenues are available for such purpose; (ii) net revenues derived from the operation of the Guthrie District Parking Facility; and (iii) other Parking Fund revenues. Pursuant to the terms of the Redevelopment Contract, the Guthrie has been granted an option to acquire the Guthrie District Parking Facility (to be exercised within fifteen months after the transfer of Parcel A to the Guthrie). If the Guthrie elects to acquire the Guthrie District Parking Facility, the net revenues derived from the sale of the Guthrie District Parking Facility to the Guthrie (the "Sale Revenues") will be applied to the payment of the principal of and interest on the Bonds.

#### Section 2. Issuance of The Bonds

**2.01. Port Authority Powers.** Pursuant to Minnesota Statutes, Section 469.078, Minnesota Laws 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 417, as amended, and Section 422.110f, the City is authorized to exercise the powers of a port authority under Minnesota Statutes, Sections 469.048 to 469.068, as amended (the "Port Authority Act"). Section 469.055, subdivision 6, of the Port Authority Act authorizes the City to acquire, purchase, construct, lease, and operate transportation facilities needed or convenient for handling passenger traffic. Section 469.059, subdivision 16, authorizes the City to operate and maintain public parking facilities and other public facilities to promote development in an industrial development district established pursuant to the Port Authority Act. The City Council has determined to exercise the powers of a port authority under the Port Authority Act in connection with the acquisition, construction, and financing of the Guthrie District Parking Facility.

**2.02. Targeted Neighborhood Designation.** Minnesota Statutes, Section 469.205, subdivision 1, provides that a city may exercise any of its corporate powers, including its powers pursuant to the Port Authority Act, within a targeted neighborhood, and that, for purposes of the Port Authority Act, a

targeted neighborhood is considered an industrial development district. Minnesota Statutes, Section 469.202, subdivision 1, provides that a city may by resolution designate targeted neighborhoods within its borders after detailed findings that the designated neighborhoods meet the eligibility requirements of Minnesota Statutes, Section 469.202, subdivision 2. Census Tract Number 46.02 and Census Tract Number 47 in the City have been designated by the City Council as a targeted neighborhood (the "Targeted Neighborhood") and the required findings with respect to unemployment rates for the Targeted Neighborhood and the median household incomes for the Targeted Neighborhood have been made by the City Council. The Targeted Neighborhood has been designated as the Mills District Industrial Development District.

**2.03. Authority to Issue Bonds.** Pursuant to Section 469.060 of the Port Authority, the City is authorized to issue general obligation bonds to finance the capital and related costs of the Guthrie District Parking Facility. The City Council hereby finds, determines, and declares that the issuance and delivery of the Bonds under the terms and conditions, and for the purposes, set forth in this resolution are consistent with the purposes and goals of the City, will further the development for which the Project was established; and are in the best interests of the City.

**2.04. Issuance and Sale of the Bonds.** In order to finance the capital and related costs of the Guthrie District Parking Facility, the City Council hereby authorizes the issuance of the Bonds in the original aggregate principal amount not to exceed \$33,650,000, on such date and upon the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Bonds shall be designated "General Obligation Parking Ramp Bonds (Guthrie District Parking Facility)" or such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. This authorization to issue the Bonds is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Bonds to the underwriter hereinafter selected by the Finance Officer to purchase the Bonds (the "Underwriter") upon the offer of the Underwriter to purchase the Bonds in accordance with the terms of a Bond Purchase Agreement between the City and the Underwriter (the "Bond Purchase Agreement").

**2.05. Documents.** There have been presented to the City Council forms of the following documents: (i) a Trust Indenture (the "Indenture"), between the City and a financial institution selected by the Finance Officer to act as trustee with respect to the Bonds (the "Trustee"); (ii) a Standby Bond Purchase Agreement (the "Liquidity Facility"), between the City and Dexia Credit Local, acting through its New York Agency, or other Liquidity Facility provider selected by the Finance Officer (the "Liquidity Facility Provider"); (iii) a Tender Agent Agreement (the "Tender Agent Agreement"), between the City and the Trustee, or other financial institution selected by the Finance Officer to act as tender agent (the "Tender Agent"); (iv) a Remarketing Agreement (the "Remarketing Agreement"), between the City and the Underwriter; and (v) the Bond Purchase Agreement. The Indenture, the Liquidity Facility, the Tender Agent Agreement, the Remarketing Agreement, and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

**2.06. Terms of the Bonds.** The Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The forms of the Bonds included in the Indenture are approved in substantially the forms in the Indenture, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Bonds to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Bonds, and to approve other

changes to the other terms of the Bonds which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Bonds shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Bonds in accordance with the authority granted by this resolution. The proceeds derived from the sale of the Bonds, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

**2.07. Pledge of Full Faith and Credit.** The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the principal of, premium, if any, and interest on the Bonds when due. It is hereby estimated that the Public Revenues, including the earnings derived from the investment of the Public Revenues, and other revenues available to pay the principal of, premium, if any, and interest on the Bonds, and expected to be applied to the payment of the principal of, premium, if any, and interest on the Bonds, pursuant to the terms of the Indenture, will produce amounts at least five percent in excess of the amounts needed to meet the principal and interest payments when due on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax upon all taxable property in the City without limitation as to rate or amount, if necessary, to pay the principal of and interest on the Bonds when due.

**2.08. Revenues to be applied to the Bonds.** The City Council hereby authorizes the application of the Public Revenues to the payment of the debt service on the Bonds and hereby appropriates such revenues to such purpose in accordance with the terms of the Indenture and to the extent the Finance Officer, in the discretion of the Finance Officer, determines to apply such revenues to such purpose. The City Council hereby authorizes the application of the Sale Revenues to the payment of the debt service on the Bonds, subject to any valid and superior prior pledges of such revenues, and hereby appropriates such Sale Revenues to such purpose in accordance with the terms of the Indenture and to the extent the Finance Officer, in the discretion of the Finance Officer, determines to apply such revenues to such purpose.

**2.09. Conversion to Fixed Rates and Other Elections.** The Finance Officer is hereby authorized to elect a conversion of the Bonds from variable-rate obligations to fixed-rate obligations in accordance with the terms of the Indenture on such date or dates and upon such terms and conditions as the Finance Officer determines in his discretion. The Finance Officer may elect a conversion without any additional authorization from the City Council. The Finance Officer is also hereby authorized to make all other elections with respect to the Bonds on such date or dates and upon such terms and conditions as the Finance Officer determines in his discretion. Such elections may be made by the Finance Officer without any additional authorization from the City Council.

**2.10. Representation Letter.** The Finance Officer is hereby authorized to take all actions required or permitted by the terms of the Representation Letter executed and delivered by the City to the Depository Trust Company as the Finance Officer may determine to be necessary or appropriate and in the best interests of the City. Any paying agent or bond registrar subsequently appointed by the City with respect to the Bonds shall agree to take all actions necessary to ensure compliance with all representations of the City in the Representation Letter with respect to the bond registrar and paying agent, respectively.

### Section 3. Disclosure Documents and Closing Certificates

**3.01. Disclosure of Material Information.** The preparation of an Official Statement (or other form of disclosure document) in conjunction with the offer and sale of the Bonds is hereby authorized. When approved by the Finance Officer of the City, the Official Statement (or other form of disclosure document) is authorized to be distributed in conjunction with the offer and sale of the Bonds. In order to provide for continuing disclosure with respect to the Bonds, to the extent deemed necessary, required, or appropriate by the Finance Officer, the Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Bonds.

**3.02. Certificates as to Disclosure and Litigation.** The Finance Officer is authorized to furnish to the purchasers of the Bonds, on the date of issuance and sale of the Bonds, a certificate that, to the best of the knowledge of such officer, the Official Statement (or other form of disclosure document) does not, as of the date of closing, and did not, as the time of sale of the Bonds, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Bonds, proceedings for approval of the Bonds, taxes levied for payment of the

Bonds, revenues pledged for payment of the Bonds, or the organization of the City, or incumbency of its officers, at the closing, the Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the tax-exempt status of interest on the Bonds.

**3.03. Other Certifications.** The City Clerk, the Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Liquidity Facility Provider, the Trustee, or other persons or entities in conjunction with the issuance of the Bonds and the expenditure of the proceeds of the Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Bonds, an order to the Trustee, a general certificate of the City, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. January 2002).

**3.04. Certified Copy of Resolution.** The City Clerk is hereby authorized and directed to certify a copy of this resolution and cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the county auditor under Minnesota Statutes, Section 475.63, and to obtain the certificate of the Director of Property Taxation as the registration of the Bonds. Copies of this resolution shall also be delivered to the Finance Officer of the City.

Section 4. Miscellaneous

**4.01. Agreements Binding.** All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

**4.02. Rights Conferred.** Nothing in this resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Indenture and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

**4.03. Validity.** If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

**4.04. Tax Covenant.** The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "private activity bonds", within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"), other than "qualified 501(c)(3) bonds" within the meaning of Section 145 of the Code. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "arbitrage bonds", within the meaning of Section 148 of the Code. Furthermore, the City shall take all such actions as may be required under the Code to ensure that interest on the Bonds is not and does not become includable in gross income for federal income tax purposes.

**4.05. Rating.** The Finance Officer of the City is hereby authorized to seek a rating or ratings for the Bonds from such nationally recognized rating agencies as determined to be appropriate by the Finance Officer; and the Finance Officer is hereby authorized to deliver to such rating agencies such information relating to the City and the Bonds as shall be requested by such rating agencies for the purpose of assigning an investment rating to the Bonds.

**4.06. Effective Date.** This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 11/21/03.

Absent - Johnson.

**T&PW & W&M/Budget -** Your Committee, having under consideration the earthwork and waterproofing Membrane installation on the roof of two 16 gallon Fridley Finished Water Reservoirs Nos 1 and 2, now recommends that the proper City officers be authorized to execute Change Order No 1 increasing Contract No 017934 with Thor Construction, Inc by \$44,552 for a revised contract amount of \$1,922,761, funding is available from the Fridley Reservoir Improvements, Water Treatment Capital Improvement.

Adopted 11/21/03.

Absent - Johnson.

**T&PW & W&M/Budget -** Your Committee recommends passage of the accompanying Resolution approving the execution of Amendment No 1 to MnDOT Agreement No 83008 with the State of Minnesota, Department of Transportation, to provide for payment in an amount not to exceed a maximum obligation of \$3,790,000 by the State to the City as the State's share of the costs of the construction for the Central Av NE Paving Project.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-564, approving the execution of Amendment No. 1 to Mn/DOT Agreement No. 83008, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-564**  
**By Colvin Roy & Johnson**

**Approving the execution of Amendment No. 1 to Mn/DOT Agreement No. 83008.**

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enter into Amendment No. 1 to Mn/DOT Agreement No. 83008 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment in an amount not to exceed a maximum obligation of \$3,790,000.00 by the State to the City as the State's share of the costs of the construction to be performed upon, along and adjacent to Trunk Highway No. 65 (Central Avenue Northeast) from 27<sup>th</sup> Avenue Northeast to 37<sup>th</sup> Avenue Northeast (the north corporate City limits) within the corporate City limits under State Project No. 2710-31 to be made through the Delegated Contract Process.

Adopted 11/21/03.

Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Cedar Lake Parkway Bridge Project, now recommends:

a) Passage of a resolution that authorizes an appropriation increase for the Cedar Lake Parkway Bridge and Roadway Project. Amending the capital resolution of December 16, 2002 (2001R-476). An appropriation increase for the Capital Improvement project fund for \$450,000;

b) Authorizing proper City officers to decrease the 2003 general fund operating budget equal to the savings at year-end from the following Public Works agencies: 600 (Engineering Services), 607(Field Services), 650(Administration), 685(Traffic). The amount will be no greater than \$450,000;

c) Authorizing the Finance Department to amend the Mayor's 2004 budget recommendation to the Council to reflect a \$450,000 reduction in the planned 2004 net debt bond appropriation for street renovation by \$450,000, from \$3,650,000 to \$3,200,000. This revision to provide permanent funding for the 2003 appropriation increase to the Cedar Lake Parkway bridge project shall be taken up during final adoption of the 2004 Capital Budget Resolution on December 15, 2003; and

d) Authorizing the City Engineer to enter into a Supplemental Agreement with Lunda Construction Company for increased costs and extension of the contract completion date to September 30, 2004.

Adopted 11/21/03.

Absent - Johnson.

**RESOLUTION 2003R-565**  
**By Colvin Roy & Johnson**

**Amending The Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Street and Malls Capital Agency in the Permanent Improvement Project Fund (4100-937-9386) by \$450,000, for the Cedar Lake Parkway Bridge and approach Roadways.

Adopted 11/21/03.

Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Downtown Circulator Bus Purchase, Contract No. 98-020 with the Metropolitan Council, now recommends rescinding Amendment #1 passed by the Council October 25, 2002, Petn No. 268313, that included language that the Metropolitan Council would "establish operating funds" and operate these buses as Downtown Circulator buses.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #2 to Contract No. 98-020 to address the issue of the possibility of funding not being available to operate these buses as Downtown Circulator buses for 12 years as required by the Federal Transit Authority.

Adopted 11/21/03.

Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving bids submitted to Public Works Department all in accordance with City specifications.

Adopted 11/21/03.

Absent - Johnson.



Resolution 2003R-566, granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-566**  
**By Colvin Roy and Johnson**

**Granting approval of the bids for projects and/or services for the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. (Petr. No. 269218)

a) OP #6111, low bid of Control Assemblies Company in the amount of \$1,500,555.55 to furnish and deliver all labor, materials, equipment and incidentals necessary to install a system control and data acquisition system (SCADA), contingent on approval of the Civil Rights Department; and

b) OP #6158, the bid of Auto Truck Service, Inc for an estimated annual expenditure of \$400,000 to furnish and deliver all labor, materials and equipment to perform various body shop repairs and mechanical work as needed during the period of October 2003 through September 30, 2005, contingent on approval of the Civil Rights Department.

Adopted 11/21/03.

Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration a request from Mayor Rybak to amend the Public Safety Initiative Program, Petr. No. 269218, now recommends:

a) Approve reallocation of the unspent and uncommitted appropriation of \$3.19 million for Security Enhancements to the new Fire Station #14 in the amount of \$2.125 million and to the City Attorney's Case Management System in the amount of \$1.065 million;

b) Passage of a Resolution amending the 2003 Capital Appropriation Resolution by approving appropriation and project accounting adjustments; and

c) Passage of a Resolution amending the 2003 Bonding Resolution related to the Public Safety Initiative Program by substituting the previously approved bonding authorizations as follows and requesting the Board of Estimate & Taxation to concur in this substitution.

Adopted 11/21/03.

Absent - Johnson.

**RESOLUTION 2003R-567**  
**By Colvin Roy and Johnson**

**Amending the 2003 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a) Decreasing the PW - Lands & Buildings Capital Appropriation in the Permanent Improvements Projects Fund (4100-923-9242-8015-PSI07) by \$3,190,000 in the Security Enhancements;

b) Increasing the PW - Lands & Buildings Capital Appropriation in the Permanent Improvements Projects Fund (4100-923-9242-8015-PSI05) by \$2,125,000, for Fire Station #14; and

c) Increasing the PW - SISPP Projects in the Permanent Improvements Projects Fund (6400-972-9725-8015-M03SP) by \$1,065,000, for Case Management System.

Adopted 11/21/03.

Absent - Johnson.

Resolution 2003R-568, amending Resolution 2002R-480 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$17,625,000 for certain purposes other than the purchase of public utilities.", was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-568**  
**By Colvin Roy and Johnson**

**Amending Resolution 2002R-480 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$17,625,000 for certain purposes other than the purchase of public utilities."**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by substituting the previously approved bonding authorizations as follows and requesting the Board of Estimate & Taxation to concur in this substitution.

PSI07 Security Enhancements	(\$3,190,000)
PSI05 New Fire Station #14	\$2,125,000
M03SP Case Management System	\$1,065,000

Adopted 11/21/03.  
Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Water Filtration Plant in Fridley, now recommends approval of the Access/Use Permit with United Defense to install four monitoring wells on water filtration plant property.

Your Committee further recommends that the proper City officers be authorized to sign said agreement.

Adopted 11/21/03.  
Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an Agreement with Metropolitan Council to provide the transfer of the Third Avenue Distributor (TAD) revenues to Metropolitan Council for bus service provided between TAD Garages and Downtown.

Your Committee further recommends that the Chief Finance Officer includes in the 2004 Budget Request the amount of \$1,500,000 from TAD Garage revenues for payment to Met Council for a portion of the cost of providing bus service between the TAD Garages and Downtown.

Adopted 11/21/03.  
Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Downtown Circulator Implementation, now recommends passage of the accompanying Resolution supporting implementation of the Downtown Circulator and authorizing Proper City officers to execute an Agreement with Metropolitan Council providing for the management and funding of the Downtown Circulator.

Adopted 11/21/03. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.

Nays - Lane.

Absent - Johnson.

Resolution 2003R-569, supporting implementation of the Downtown Circulator and authorizing Proper City Officers to execute an Agreement with Met Council providing for the management and funding of the Downtown Circulator, was passed 11/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-569**  
**By Colvin Roy and Johnson**

**Supporting implementation of the Downtown Circulator and authorizing Proper City Officers to execute an Agreement with Met Council providing for the management and funding of the Downtown Circulator.**

Whereas, the City accepted a Grant from the Urban Mass Transit Administration in December 1992 in the amount of \$8,000,000 for implementation of a Nicollet Mall Shuttle and a North Transit Terminal; and

Whereas, the Nicollet Mall Shuttle has developed into the Downtown Circulator with service closely coordinated with LRT service; and

Whereas, it is the desire of the City that the Downtown Circulator and LRT begin service together on April 3, 2004; and

Whereas, the Downtown Circulator Task Force has prepared a Report and presented it to the Council, said Report recommending Circulator routes two way on the Nicollet Mall with evening service shifting to the Mall and Hennepin Ave, that the Circulator match the frequencies and hours of service of LRT; and

Whereas, the City Engineer has prepared and recommended a fully funded Five Year Plan for funding Circulator operations; said Plan requiring elimination of some early morning service to balance costs and revenues and has recommended execution of an Agreement with Met Council providing for the management and funding of the Downtown Circulator, said Plan requiring payment of the net proceeds from the sale or lease of the Nicollet Hotel Block by the City to Met Council toward the cost of Circulator operations for the period of the Five Year Plan; and

Whereas, the City has entered into a Contract with Met Council to purchase buses for the Circulator utilizing the City's Grant funds matched by Met Council funds and said buses have been ordered and are in production with two already delivered and the rest scheduled for delivery by March 2004; and

Whereas, the City Engineer has recommended implementation of the Downtown Circulator on April 3, 2004 in coordination with the beginning of LRT revenue service into Downtown Minneapolis;

Now, Therefore Be It Resolved By The City Council of The City of Minneapolis:

That it supports the Recommendations of the Downtown Circulator Task Force with respect to Circulator routes, frequency and hours of service subject to limitations of available funding.

That it approves the Five Year Funding Plan prepared by the City Engineer.

That it authorizes proper City Officers to execute an Agreement with Met Council providing for the management and funding of the Downtown Circulator.

That it supports the implementation of the Downtown Circulator on April 3, 2004 in coordination with the beginning of LRT revenue service into Downtown Minneapolis and authorizes the City Engineer to continue to work with Met Council and others as appropriate to assure this implementation.

Adopted 11/21/03. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.

Nays - Lane.

Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the following recommendations for Third Avenue North (TAD) garage revenues for MnPass project related activities:

- a) That the proper City officers be authorized to transmit payment of \$8,000,000 from TAD garage revenues to MnDOT in accordance with the Maintenance and Operation Plan; and
- b) Passage of a Resolution increasing the operating budget in the Municipal Parking Fund for a total amount of \$8,000,000;
- now recommends that the matter be sent forward without recommendation.

Colvin Roy moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof, "approved."

Seconded.

Adopted by unanimous consent.

Benson moved to amend the report to include the following staff directions:

"1. Staff is directed to study the adequacy of existing funding under the contract and the appropriateness of proposed Mn Pass High Occupancy Toll (HOT) Lane expenditures in that the policy goal of the TAD ramp funds is "support of the I-394 High Occupancy Vehicle (HOV) incentive programs, and in support of the goals and objectives of the I-394 Transportation System Management Plan (TSM)."

2. Staff is directed to determine whether HOT lanes are consistent with the specified expenditure categories and state and federal law regarding the TAD ramps.

3. Staff is directed to determine how the HOT proposal intends to immediately cease and desist any HOT program should it in any way adversely impact transit and HOV utilization." Seconded.

Niziolek moved a substitute motion that the report be postponed. Seconded.

Benson's motion was adopted by a voice vote.

The report, as amended, was adopted 11/21/03. Yeas 11: Nays 1 as follows:

Yeas - Ostrow, Zerby, Samuels, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Colvin Roy, Lane.

Nays - Niziolek.

Absent - Johnson.

**RESOLUTION 2003R-570**  
**By Colvin Roy and Johnson**

**Amending the 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Operating Agency in the Municipal Parking Fund by increasing funds (7500-685-TAD4) by \$852,155, and (7500-685-TAD5) by \$2,788,329, and (7500-685-TAD7) by \$4,359,516 for a total amount of \$8,000,000.

Adopted 11/21/03. Yeas, 11; Nays, 1 as follows:

Yeas - Ostrow, Zerby, Samuels, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Colvin Roy, Lane.

Nays - Niziolek.

Absent - Johnson.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney that the lawsuit filed by Yee Yang be settled by payment in the amount of \$9,000 to Ms. Yang and her attorney, Mark Karney.

Adopted 11/21/03.

Absent - Johnson.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends acceptance of low bid received on OP #6184 (Petr No 269225) submitted by Graham-Penn-Co, in the amount of \$1,549,524, for furnishing and delivering all material, labor, equipment and incidentals to accomplish the work of exterior stone and precast concrete indicated in the project plans and specifications, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service.

Adopted 11/21/03.

Absent - Johnson.

Approved by Mayor Rybak 11/24/03.

(Published 11/25/03)

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Governance Board to allocate additional EZ funds in the amount of \$570,000 to the EZ Small Business Loan Fund and that authorization be granted to amend the existing contract with current loan providers (as indicated in Petr No 269224) increasing total compensation under the program to \$1,570,000.

Adopted 11/21/03.

Absent - Johnson.

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the Minneapolis Empowerment Zone (EZ) Director that EZ funds in the amount of \$800,000 be allocated to the Neighborhood Development Center (NDC) to assist with their plans to purchase and renovate the building at 1508 E Lake St; and further that the proper City officers be authorized to enter into a contract with NCD regarding provision of said funds and that the City policy that would require a request for proposal process for that contract be waived.

Adopted 11/21/03.

Absent - Johnson.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to amend the City's contract with Bentley Systems, Inc. that provides for assistance in implementation of the City's Computer Aided Civil Engineering Software and Enterprise (Engineering 2000), amending the contract by extending the end date from December 31, 2003 to December 31, 2004.

Adopted 11/21/03.

Absent - Johnson.

**W&M/Budget** - Your Committee, having under consideration a request for the transfer of Net Debt Bond balances from certain completed park projects to other park projects with unmet program needs, now recommends approval to proceed with said transfer.

Your Committee further recommends passage of the accompanying Resolution requesting the Board of Estimate and Taxation to concur with said transfer.

Adopted 11/21/03.

Absent - Johnson.

RESOLUTION 2003R-571

By Johnson

**Requesting that the Board of Estimate and Taxation transfer Net Debt Bond balances from certain completed park projects to other park projects.**

Whereas, the Minneapolis Park and Recreation Board has completed the following park projects:

AP103	Bryant Square Park	\$ 8,186
AP230	Mueller Park	12,840
AP277	East Phillips Park	10,000
AP317	Clinton Field	8,407
AP276	Van Cleve Park	57,163

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Park and Recreation Board of the City of Minneapolis hereby requests that the total Net Debt Bond balance, in the amount of \$96,596 be transferred to the following projects, for the amounts indicated:

BP163	Loring Park	\$ 40,473
AP32	Northeast Water Park	36,310
AP228	Columbia Park	10,217
AP268	Cavell Park	5,000
AP227	Audubon Park	501
AP245	Beltrami Park	2,494
AP284	Marcy Park	1,601

Adopted 11/21/03.

Absent - Johnson.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal of George Carlson from the decision of the Planning Commission granting the applications of APEX Asset Management Corporation for a) conditional use permit to allow a 283-unit condominium development; b) a variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line; and c) major site plan review for the Bridge Place development, 220 S 2<sup>nd</sup> St and 225 S 1<sup>st</sup> St, now recommends that said appeal be denied, and the decisions of the Planning Commission be upheld.

Adopted 11/21/03.

Absent - Johnson.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, to allow reception or meeting halls in the Industrial Living Overlay Districts, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the accompanying ordinance be given its second reading for amendment and passage.

Adopted 11/21/03.

Absent - Johnson.

Ordinance 2003-Or-139 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, amending Section 551.360 to allow reception or meeting halls in the Industrial Living Overlay Districts, was passed 11/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2003-Or-139**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/10/03**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 11/21/03**

**Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 551.360 of the above-entitled ordinance be amended to read as follows:

**551.360. Permitted uses.** (a) *Uses.* In addition to the uses permitted in the primary zoning district, the following uses shall be permitted in the Industrial Living Overlay District, provided such uses shall be located in buildings existing on the effective date of this ordinance:

- (1) General retail sales and services uses.
- (2) Antiques and collectibles.
- (3) Banks and financial institutions.
- (4) Bookstore, new or used.
- (5) Grocery store.
- (6) Laundry, self service.
- (7) Reception or meeting hall.
- ~~(7)~~(8) Theater, indoor, provided live performance only.
- ~~(8)~~(9) Video stores up to four thousand (4,000) square feet.

(b) *Maximum floor area.* The gross floor area for the uses permitted in sections (a)(1) through (a)~~(7)~~(8) above shall be unlimited, provided the use complies with the floor area ratio requirements of the primary zoning district and provided alterations made to the exterior of the building shall maintain the architectural integrity and character of the building and surrounding area.

Adopted 11/21/03.

Absent - Johnson.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, to establish new zoning application fees and adjust current zoning application fees in recognition of the costs of services performed and work and materials furnished, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the accompanying ordinance be given its second reading for amendment and passage.

Adopted 11/21/03.

Absent - Johnson.

Ordinance 2003-Or-140 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, to establish new zoning application fees and adjust current zoning application fees in recognition of the costs of services performed and work and materials furnished, was passed 11/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2003-Or-140**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 9/12/03**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 11/21/03**

**Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 525.160 of the above-entitled ordinance be amended to read as follows:

**525.160. Fees.** (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the zoning ordinance shall pay ~~the following fees:~~ fees in the amount listed in Table 525-1, Fees.

(1) *Conditional use permits.*

- a. *In general.* For filing applications for conditional use permits for nonresidential uses, other than provided in sections (b) and (c) below, the applicant shall pay a fee of five hundred fifty dollars (\$550.00), plus fifty dollars (\$50.00) for each additional lot, or portion thereof, but the total fee shall not exceed one thousand dollars (\$1,000.00). For filing applications for conditional use permits for residential uses, other than provided in sections (b) and (c) below, the applicant shall pay a fee of four hundred fifty dollars (\$450.00), plus fifty dollars (\$50.00) for each additional lot, or portion thereof, but the total fee shall not exceed five hundred dollars (\$500.00). Where the subject matter is unplatted property or where lots are of greater area than seven thousand five hundred (7,500) square feet, the fee shall be determined in terms of unit areas of land of five thousand (5,000) square feet or any portion thereof.
- b. *Planned unit developments.* For filing applications for conditional use permits for planned unit developments, the applicant shall pay a fee of seven hundred fifty dollars (\$750.00).
- c. *Signs.* For filing applications for conditional use permits to allow wall signs on buildings that exceed six (6) stories or eighty-four (84) feet, as provided in Chapter 543, On-Premise Signs, or to allow a sign in excess of height limits in the limited access roadway opportunity billboard district, as provided in Chapter 544, Off-Premise Signs, the applicant shall pay a fee of five hundred fifty (\$550.00) dollars.
- d. *Reviews.* For each review of approved conditional use permits, the permittee shall pay a fee of fifty dollars (\$50.00).
- e. *Exemptions.* The Minneapolis School Board and Minneapolis Library Board shall be exempt from conditional use permit application fees.

(2) *Variances.* For filing applications for zoning variances for nonresidential uses, the applicant shall pay a fee of five hundred fifty dollars (\$550.00), plus fifty dollars (\$50.00) for each additional lot, or portion thereof, but the total fee shall not exceed one thousand dollars (\$1,000.00). For filing applications for zoning variances for residential uses, the applicant shall pay a fee of two hundred fifty dollars (\$250.00), plus fifty dollars (\$50.00) for each additional lot, or portion thereof, but the total fee shall not exceed five hundred dollars (\$500.00). Where the subject matter is unplatted property or where lots are of greater area than seven thousand five hundred (7,500) square feet, the fee shall be determined in terms of unit areas of land of five thousand (5,000) square feet, or fraction thereof. For variance applications involving reverse corner lots or through lots, the fee shall be reduced to one hundred dollars (\$100.00) for the first lot.

(3) *Appeals.* For filing appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance, the applicant shall pay a fee of two hundred fifty dollars (\$250.00). For filing appeals of the ruling of the board of adjustment or city planning commission, the applicant shall pay a fee of one hundred fifty dollars (\$150.00). In the case of an application for appeal of a decision of the city planning commission or board of adjustment made by the original applicant, the fee shall be waived.



- (4) *Zoning amendments.* For filing petitions for amendments to the zoning classification of property, the applicant shall pay a fee of four hundred fifty dollars (\$450.00), plus fifty dollars (\$50.00) for each additional lot, or portion thereof, but the total fee shall not exceed one thousand dollars (\$1000.00). Where the subject matter is unplatted property or where lots are of greater area than seven thousand five hundred (7,500) square feet, the fee shall be determined in terms of unit areas of land of five thousand (5,000) square feet or portion thereof.
- (5) *Certificates of nonconforming use.*
- a. For filing applications for certificates of nonconforming use for structures only, the applicant shall pay a fee of fifty dollars (\$50.00). If such application is made in conjunction with an application for an expansion or change of nonconforming use, this fee shall be waived.
  - b. For filing applications for certificates of nonconforming use for a use or for a use and one (1) or more structures, the applicant shall pay a fee of three hundred fifty dollars (\$350.00). If such application is made in conjunction with an application for an expansion or change of nonconforming use, this fee shall be waived.
- (6) *Expansion or change of nonconforming use.* For filing applications for expansion or change of a nonconforming use, the applicant shall pay a fee of three hundred fifty dollars (\$350.00).
- (7) *Major site plan review.* For filing applications for major site plan review pursuant to Chapter 530, Site Plan Review, the applicant shall pay a fee of three hundred dollars (\$300.00) for applications involving less than ten thousand (10,000) square feet of lot area, and six hundred fifty dollars (\$650.00) for applications involving ten thousand (10,000) square feet of lot area or more.
- (8) *Minor site plan review.* For filing applications for minor site plan review pursuant to Chapter 530, Site Plan Review, the applicant shall pay a fee of fifty dollars (\$50.00).
- (9) *Interim uses.* For filing applications for interim uses for a period of one (1) year or longer, the applicant shall pay the same fee as for a conditional use permit. For filing applications for interim uses for a period of less than one (1) year, the applicant shall pay a fee of fifty dollars (\$50.00).
- (10) *Shared parking.* For filing applications for shared parking, pursuant to Chapter 541, Off-Street Parking and Loading, the applicant shall pay a fee of fifty dollars (\$50.00).
- (11) *Administrative review of communication towers, antennas, and base units.* For filing applications for the administrative review of communication towers, antennas, and base units, the applicant shall pay a fee of three hundred dollars (\$300.00).
- (12) *Floor area ratio premiums.* For filing applications for floor area ratio premiums pursuant to Chapter 549, Downtown Districts, the applicant shall pay a fee of one thousand dollars (\$1,000.00).
- (13) *Travel demand management plan.* For filing applications for travel demand management plans involving at least one hundred thousand (100,000) square feet of gross floor area pursuant to Chapter 535, Regulations of General Applicability, the applicant shall pay a fee of three hundred dollars (\$300.00).
- (14) *Transfer of development rights.* For filing applications for transfer of development rights pursuant to Chapter 549, Downtown Districts, the applicant shall pay a fee of three hundred dollars (\$300.00).
- (15) *Environmental review.* The applicant shall pay the costs of environmental review processes as determined by the planning department.

**Table 525-1 Fees**

<b><u>Application type</u></b>	<b><u>Fee (dollars)</u></b>
<u>Administrative reviews of communication towers, antennas, and base units</u>	<u>200</u>
<u>Administrative reviews to increase height or floor area of accessory structures</u>	<u>250</u>
<u>Appeals of the ruling of the board of adjustment or city planning commission</u>	<u>250</u>
<u>Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance</u>	<u>300</u>
<u>Certificates of nonconforming use</u>	<u>500</u>

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<u>Conditional use permits</u>	
<u>0 – 9,999 square feet of lot area</u>	<u>450</u>
<u>10,000 – 43,559 square feet of lot area</u>	<u>650</u>
<u>43,560 square feet or lot area or more</u>	<u>850</u>
<u>Conditional use permits related to signs, regardless of lot area</u>	<u>550</u>
<u>Conditional use permits for planned unit developments</u>	<u>1,500</u>
 <u>Environmental reviews</u>	
	<u>500 or the actual costs of environmental review processes as determined by the planning director, whichever is greater</u>
 <u>Expansion or change of nonconforming use</u>	<u>500</u>
 <u>Floor area ratio premiums</u>	<u>1,000</u>
 <u>Interim uses</u>	
<u>0 -9,999 square feet of lot area</u>	<u>450</u>
<u>10,000 - 43,559 square feet of lot area</u>	<u>650</u>
<u>43,560 square feet or lot area or more</u>	<u>850</u>
 <u>Major site plan review</u>	
<u>0 -9,999 square feet of lot area</u>	<u>500</u>
<u>10,000 - 43,559 square feet of lot area</u>	<u>750</u>
<u>43,560 square feet or lot area or more</u>	<u>1,000</u>
 <u>Minor site plan review</u>	<u>100</u>
 <u>Shared parking</u>	<u>100</u>
 <u>Temporary uses</u>	<u>100</u>
 <u>Transfer of development rights</u>	<u>350</u>
 <u>Travel demand management plans</u>	<u>500</u>
 <u>Variances</u>	
<u>0-9,999 square feet of lot area</u>	<u>350</u>
<u>10,000-43,559 square feet of lot area</u>	<u>550</u>
<u>43,560 square feet of lot area or more</u>	<u>750</u>
<u>Variances involving residential uses on reverse corner lots or through lots having less than 10,000 square feet of lot area</u>	<u>150</u>
 <u>Waiver of restrictions of interim ordinances</u>	<u>150</u>
 <u>Zoning amendments</u>	
<u>0 -9,999 square feet of lot area</u>	<u>550</u>
<u>10,000 - 43,559 square feet of lot area</u>	<u>750</u>
<u>43,560 square feet or lot area or more</u>	<u>950</u>

(b) *Concurrent review.* For applications reviewed under the provisions of section 525.20, the applicant shall pay the required fees for each application. After the first application for a zoning approval, each subsequent application fee shall be reduced by fifty dollars (\$50.00).

(b) *Postage and publication.* For applications requiring notice of a public hearing to affected property owners, the applicant shall pay the cost of first class postage based on the number of property owners to be notified. In addition, for applications requiring publication in a newspaper of general circulation, the applicant shall pay a fee of twenty five dollars (\$25.00).

(c) *Forms and payment of fees.* The zoning administrator shall provide applicants with forms, designating therein the amount of fees to be paid. All fees shall be payable to the city finance officer.

(d) *Refund of fees.*

(1) *Incomplete applications.* If an applicant fails to provide a complete application and the application is withdrawn by the applicant or is deemed withdrawn and returned pursuant to section 525.140(d), the city shall retain the first ~~fifty~~ one hundred dollars (~~\$50.00~~ \$100.00) of the total fees paid for the project. Any sum paid over the amount to be retained shall be refunded.

(2) *Complete applications.* If an applicant withdraws a complete application before the scheduled public hearing, or in the case of an application for administrative review, before the application is decided by the planning director or zoning administrator, the city shall retain the first ~~fifty~~ one hundred dollars (~~\$50.00~~ \$100.00) of the total fees paid for the project, or such proportion of the fee paid as determined by the costs to the city to process the application up to the time it was withdrawn compared to the costs to completely process the application, whichever is greater. Any sum paid over the amount to be retained shall be refunded. If the scheduled public hearing is held, or if the application is decided by the planning director or the zoning administrator, no fees shall be refunded, whether or not the application is withdrawn, approved or denied.

(3) *Exception.* The city shall refund the total amount of fees paid for any application that was accepted by the zoning administrator in error.

Adopted 11/21/03.

Absent - Johnson.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Rex II LLC, Steve Frenz (BZZ-1369) to rezone the property at 526 - 4<sup>th</sup> St N to add the Industrial Living Overlay District to the existing I2 Zoning District to allow Phase II of a Planned Unit Development (Bookmen Stacks), and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/21/03.

Absent - Johnson.

Ordinance 2003-Or-141, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 526 - 4<sup>th</sup> St N to add the Industrial Living Overlay District to the existing I2 District, was passed 11/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2003-Or-141**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/21/03**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1 through 7 including Block 18, including half of vacated alley except Hwy, Block 18, Bradford & Lewis Addition (526 - 4<sup>th</sup> St N - Plate 13) to add the Industrial Living Overlay District to the existing I2 District.

Adopted 11/21/03.

Absent - Johnson.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Isidro Perez (BZZ-1395) to rezone the property at 2741 Blaisdell Ave to add the Transitional Parking Overlay District to the existing R6 District to legalize the existing parking lot located in a residence district, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/21/03.

Absent - Johnson.

Ordinance 2003-Or-142, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2741 Blaisdell Ave to add the Transitional Parking Overlay District to the existing R6 District, was passed 11/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2003-Or-142**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/21/03**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 16, Block 18, JT Blaisdells Revised Addition to Minneapolis (2741 Blaisdell Ave - Plate 25) to add the Transitional Parking Overlay District to the existing R6 District.

Adopted 11/21/03.

Absent - Johnson.

**Z&P** - Your Committee forwards without recommendation the 2030 Regional Development Framework Comments of the City of Minneapolis for submission to the Metropolitan Council, as set forth in Petn No 269227.

Schiff moved to amend the report by deleting the language, "forwards without recommendation" and inserting in lieu thereof, "recommends approval of". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/21/03.

Absent - Johnson.

**MOTIONS**

Johnson Lee moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2003, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/21/03.

Absent - Johnson.

Zimmermann introduced the subject matter of an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, which was given its first reading and referred to the Public Safety & Regulatory Services and Zoning & Planning Committees (To exempt taxicabs from prohibition on parking commercial vehicles in residential districts).

Zimmermann introduced the subject matter of an ordinance amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, which was given its first reading and referred to the Public Safety and Regulatory Services and Zoning and Planning Committees (To exempt taxicabs from prohibition on parking commercial vehicles in residential districts).

Lane moved that the Transportation & Public Works Committee be discharged from further consideration of the contract amendment with General Safety Equipment to allow for the purchase of two additional fire units in the amount of \$1,061,993. Seconded.

Adopted upon a voice vote.

Lane moved that the proper City officers be authorized to amend Contract No. 19587 with General Safety Equipment to allow for the purchase of two additional fire units increasing the contract by \$1,061,993, for a new total of \$5,726,960, with funding available in the Equipment Division's capital replacement budget. Seconded.

Adopted 11/21/03.

Absent - Johnson.

Schiff introduced the subject matter of an ordinance amending Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing on December 3, 2003 (Adding a new Chapter 178 clarifying regulations for recreational fires.).

#### **RESOLUTION**

All Council Members offered a Resolution recognizing the contributions of Andrea Hart-Kajer to the City of Minneapolis.

Adopted 11/21/03.

Absent - Johnson.

(Not published. See Resolution 2003R-572 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

#### **RESOLUTION 2003R-572**

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

#### **Recognizing the contributions of Andrea Hart-Kajer to the City of Minneapolis.**

Whereas, Andrea Hart-Kajer joined the Minneapolis Intergovernmental Relations Office in April, 1984; and

Whereas, Andrea Hart-Kajer has grown from a junior lobbyist to a leader in the State lobbyist corps; and

Whereas, Andrea Hart-Kajer's lobbying expertise is widely respected by legislative allies and adversaries; and

Whereas, Andrea Hart-Kajer has served three Mayors and five Chairs of the Intergovernmental Relations Committee; and

Whereas, these Mayors and City Council Members relied on Andrea Hart-Kajer for her helpful counsel and advice; and

Whereas, Andrea Hart-Kajer is well-known for her Finnish tenacity and evenhandedness; and

Whereas, many projects, including the Convention Center, Target Center financing, and Empowerment Zone designation were the direct results of Andrea Hart-Kajer's efforts; and

Whereas, Andrea Hart-Kajer will be deeply missed by both the City's elected officials and her City colleagues; and

Whereas, Andrea Hart-Kajer has decided to replace the demands of City Hall with the challenges of private lobbying; and

Whereas, the City Council wishes to recognize Andrea Hart-Kajer's dedication and contributions to the City of Minneapolis throughout her career;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council expresses its deep gratitude and appreciation to Andrea Hart-Kajer for her many years of dedicated service as a member of the Minneapolis Intergovernmental Relations Office.

Adopted 11/21/03.

Absent - Johnson.

#### UNFINISHED BUSINESS

New Fire Station #14 (2002 Lowry Av N): Authorization to obtain proposals for Architectural/Engineering Design Services for construction. (Postponed 10/24/03, T&PW)

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews

**T&PW** - Approved.

**W&M/Budget** - Sent forward without recommendation.

By unanimous consent, the above two reports continued to be postponed.

#### NEW BUSINESS

Colvin Roy introduced an Ordinance amending Title 2, Chapter 20, Article VIII of the Minneapolis Code of Ordinances relating to *Administration: Personnel: Sick Leave*, which was given its first reading and referred to the Ways & Means/Budget Committee (Amending Section 20.500 entitled "Sick leave credit pay plan")

Lilligren moved to delete the motion by Ostrow to introduce an Ordinance amending Chapter 1, Section 3, of the Minneapolis City Charter relating to *City and Ward Boundaries: Thirteen Wards*, sent forward by the Charter Commission requesting approval by a 13-0 vote, for first reading and referral to the Intergovernmental Relations Committee (Amending Paragraph F relating to redistricting). Seconded.

Adopted upon a voice vote.

Ostrow introduced the subject matter of Ordinances amending the Minneapolis City Charter, Chapter 1, Section 3 relating to *City and Ward Boundaries: Thirteen Wards*, and Chapter 2, Section 4 relating to *Officers—Elections: Election*, which were given their first reading and referred to the Intergovernmental Relations Committee.

Ostrow moved to appoint Council Member Barret Lane as the City's representative to the Metropolitan Radio Board to replace the current City representative Council Member Natalie Johnson Lee. Seconded.

Adopted 11/21/03.

Absent - Johnson.

Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Shyanna Freeman vs. City of Minneapolis, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

November 21, 2003 - 11:38 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Ostrow.

Absent - Johnson.

Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Tim Skarda, Assistant City Attorney; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's Office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Shyanna Freeman vs. City of Minneapolis* lawsuit.

Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:40 a.m.

Present - Samuels, Colvin Roy, Zimmermann, Schiff (In at 11:45), Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman (In at 12:10), Lane, Ostrow.

Absent - Johnson.

Also present - Jay Heffern; Peter Ginder; Tim Skarda; Merry Keefe; David Fey, Mayor's office (In at 12:10); and Jan Hrcir.

Tim Skarda summarized the *Shyanna Freeman vs. City of Minneapolis* lawsuit from 11:40 a.m. to 12:14 p.m.

Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn to December 8, 2003, at 5:05 p.m. for the purpose of conducting the Truth in Taxation public hearing, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 21, 2003. Seconded.

Adopted upon a voice vote.

Merry Keefe,  
City Clerk.

Created: 11/24/2003  
Modified: 11/25/2003  
Corrected: 12/23/2003